

**aclu-md\_paroleprocess\_dec2020\_8pt5x11.pdf**

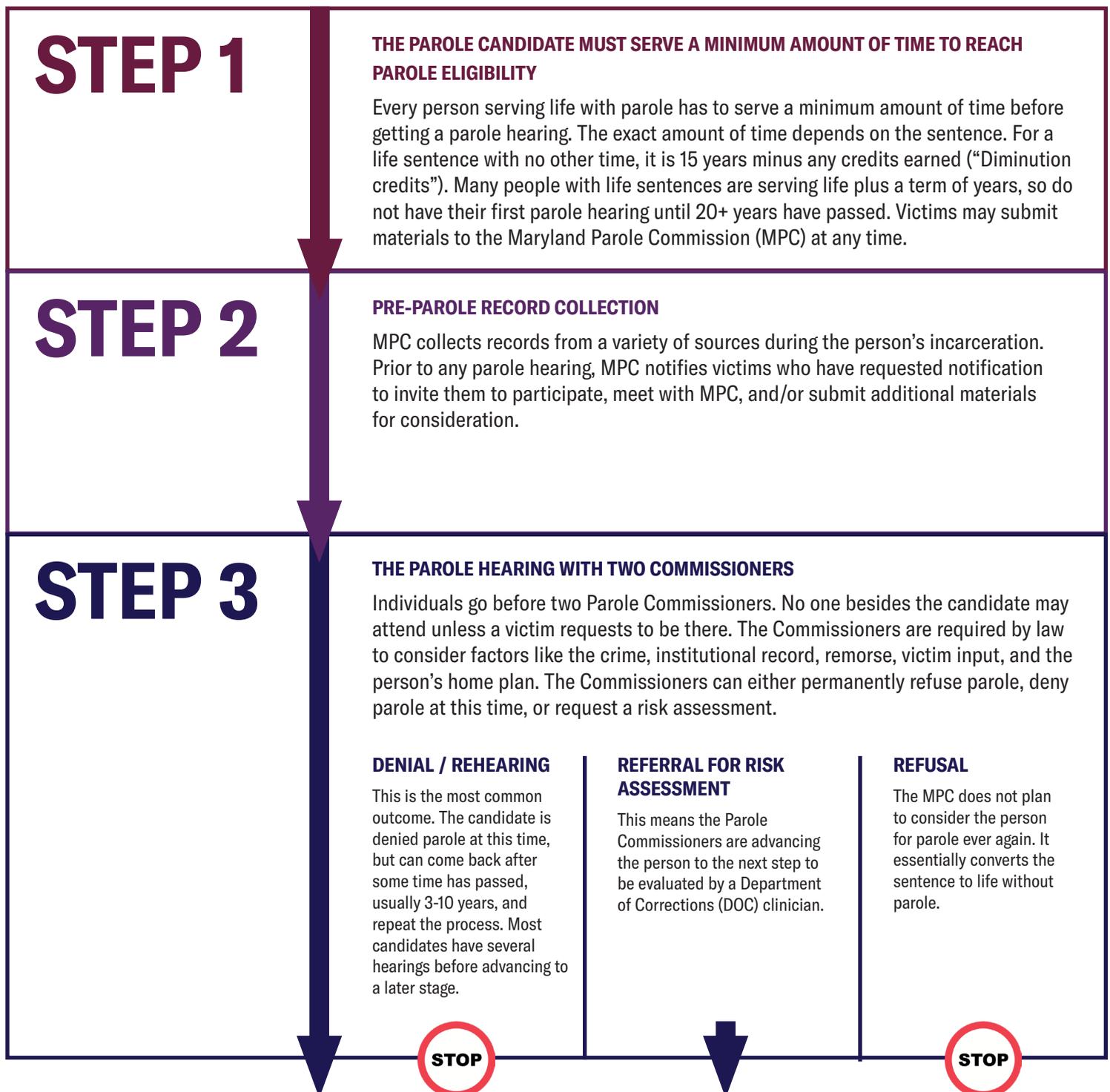
Uploaded by: Amanuel, Yanet

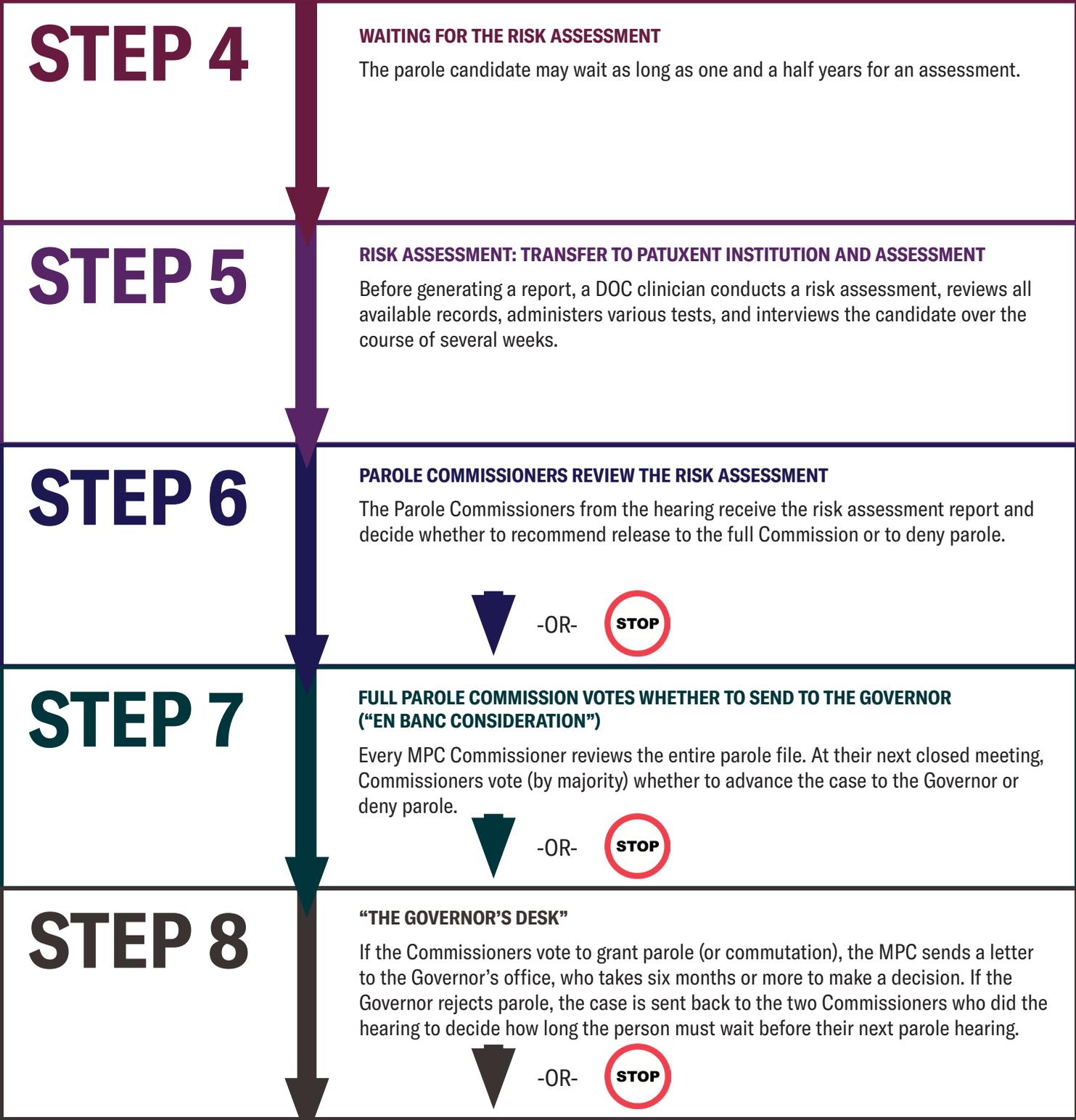
Position: FAV

# PAROLE PROCESS FOR MARYLANDERS SERVING LIFE WITH PAROLE



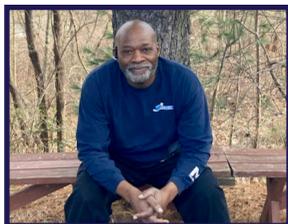
For someone serving a life sentence, it is typical for the parole consideration process to take approximately **two years**.





**WELCOME HOME!**

**MEET  
CALVIN  
MCNEILL**



**Calvin McNeill is a survivor of Maryland's broken parole system.** McNeill was sentenced to life with parole for an offense he committed **at age 16**. During his nearly four-decades-long incarceration, McNeill maintained a nearly perfect disciplinary record, itself a remarkable feat.

He was first recommended for release by the Maryland Parole Commission in 2008, but denied by Maryland Governor O'Malley in 2011. Five years later, the MPC again recommended him for release — he was denied, this time by Governor Hogan. Last year, McNeill was denied a third time, again by Governor Hogan, after the MPC unanimously voted for his release. **He had a total of seven parole hearings. McNeill lost his wife and his mother and other loved ones while waiting for Governors to grant his release.**

The only reason McNeill is not still behind prison walls is because he worked with his lawyers to find another path to court and get his sentenced reduced. **He has been home since July 8, 2020**, and working a full-time job in the community since July 13. **He continues to advocate to bring access to the second chances Marylanders serving life sentences with parole have earned.**

# **Caroom\_FAV\_SB202.pdf**

Uploaded by: Amanuel, Yanet

Position: FAV

## SUPPORT - GOVERNOR OUT-OF-PAROLE BILL (HB 0003 / SB 202 )

MARYLAND ALLIANCE FOR JUSTICE REFORM  
Working to end unnecessary incarceration and build strong, safe communities



351 Dubois Road, Annapolis, Md. 21409

Feb. 4, 2021

Testimony of Phil Caroom for MAJR [exec.com](http://www.ma4jr.org).

For more than 20 years, Maryland governors refused over 2,000 inmates another chance, although Parole Commissioners recommended parole for many, although many such inmates were sentenced as juveniles, and although many such inmates now are frail and elderly. See <http://www.abell.org/publications/still-blocking-exit>. Several reasons support a change:

- 1) Governors in 47 other states do not have veto power over the parole process (the other two are California & Oklahoma);
- 2) **Life sentences with possible parole, under Maryland statutes, legally and morally are different than “life without parole” sentences—but Governors’ actions for years nullified the statutory difference by fiat;**
- 3) Removal of Maryland’s Governor from parole decisions will immunize him from political, *Willie-Horton*-based concerns;
- 4) Maryland parole commissioners-- mostly with law-enforcement background and all appointed by the Governor-- are carefully trained and make appropriate parole decisions without political pressure through applying scientific analysis and professional discretion to permit supervised parole-release only for parolees who will pose no risk to public safety;
- 5) **Elderly life-sentenced inmates cost two to three more than the normal \$40,000 per year per person due to extensive medical costs – and these taxpayer funds that better could be used to treat and rehabilitate youthful offenders who otherwise may continue to pose a risk to our communities without treatment;**
- 6) Juvenile-offense life-sentenced inmates, under U.S. Supreme Court decisions, neurological-science, and common sense, deserve to be judged under a different standard than mature adults;
- 7) Although the current Governor has approved a handful of paroles for those with life-sentences (as a “lame-duck Governor”), current Maryland law would permit any future Governor again to cancel all hope for thousands of legally-eligible parole candidates.
- 8) As demonstrated by Maryland’s Unger population and national statistics, the likelihood of recidivism for elderly inmates drops to approximately 1% so no real public safety issue would be posed by this legislation, particularly with the scientific-screening now used by Maryland’s Parole Commission.
- 9) Most important, this moral reason: Governors’ uniform parole rejection of every individual with a life sentence deprives every individual of hope. **David Blumberg, chair of Md.’s Parole Commission has stated that such absence of hope may increase the “threat of violence” to correctional officers as young lifers have no incentive to behave.**

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Please note: This testimony is offered for Md. Alliance for Justice Reform ([www.ma4jr.org](http://www.ma4jr.org)), not for the Md. Judiciary.

**Mary Pat Donelan\_SB202\_FAV.pdf**

Uploaded by: Amanuel, Yanet

Position: FAV

Bill No: **Lifers Bill (SB202)**  
Title: Parole Reform  
Committee: Judiciary/Judicial Proceedings  
Hearing Date: February 3, 2021  
Position: SUPPORT

I have been volunteering with lifer groups in the Maryland Correctional Institution for Women (MCIW) and the Maryland Correctional Institution in Jessup (MCIJ) for the past ten years. My heart goes out to these incarcerated individuals sentenced to life imprisonment with the possibility of parole. I believe that the Governor should not play a role in the parole process in Maryland. I urge a favorable report on this bill.

I personally know so many of these inmates and have witnessed their rehabilitation. Their crimes were committed years ago, many during their teen years. They are not the same individuals that they were at the time of the crime. Many were incarcerated due to a felony murder charge – didn't even commit the crime themselves. The Parole Commission is well able to review the records, the progress in the inmate has made while incarcerated, interview the inmates, and make a determination of whether the inmate poses any risk to society. I have personally witnessed the significant rehabilitation that has occurred with so many of these inmates. They have paid their debt to society and deserve a second chance.

Maryland is one of only three states that includes the Governor in its decisions to grant parole. The politicization of the process for releasing rehabilitated incarcerated individuals has kept these inmates with life sentences in prison longer than they deserve. The process gives the Governor far too much power in making these decisions; it leaves the Maryland Parole Commission essentially powerless. From Governor Glendening's declaration that "life means life" in 1994 to Governor Hogan's refusal to parole lifers approved by the Maryland Parole Commission today, denying parole to lifers has been based on the false and offensive narrative that these inmates cannot be rehabilitated.

I am a Maryland resident, taxpaying constituent of the members of this Judicial Proceedings Committee. The inmates that I know well with life sentences are stuck in this stagnant, unjust system. They do not deserve to die in prison. We Maryland citizens do not deserve to watch these men and women live out their days in prison after being promised true and meaningful consideration at parole. These inmates are being resented de facto to death by incarceration. It is unfair to their family members and it is unfair to Maryland citizens of good will.

**I strongly urge the passage of this parole reform bill.**

Mary Pat Donelan  
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**parole\_parolecommission\_onepager\_2020-4.pdf**

Uploaded by: Amanuel, Yanet

Position: FAV

# TAKE THE POLITICS OUT OF PAROLE

**ACLU**  
Maryland

**BILLS**  
**HB 3 & SB 202**



## IT'S TIME TO FIX MARYLAND'S BROKEN PAROLE SYSTEM

**2,000+**

Marylanders are serving sentences of life with the possibility of parole, including nearly...

**300**

whose offenses were committed as children, aged 17 or younger, and more than...

**400**

people aged 60 or older.

An additional 300 people are serving sentences of life without parole.

### TAKE ACTION

Ask your legislators to support taking politics out of parole during the 2021 legislative session:

[bit.ly/politicsoutofparole](https://bit.ly/politicsoutofparole)

## LET THE PAROLE COMMISSION DECIDE WHO COMES HOME

Maryland law is supposed to treat life and life without parole sentences differently. But for the last two decades Maryland has wrongly turned life with parole sentences into life without parole.

Maryland is one of only three states in the country to give sole authority to release anyone serving a life with parole (LWP) sentence to the Governor. This wrongly politicizes whether people can earn their freedom. Only a tiny fraction of those with LWP sentences have been granted parole in Maryland in nearly a quarter of a century during the tenure of four different Governors – no matter how thoroughly people have been rehabilitated and earned parole.

We seek to ensure that people given sentences of life with the possibility for parole – who have thoroughly demonstrated their rehabilitation – have a real chance to earn parole, by changing the law to leave the decision to the Parole Commission. This is more important than ever, as the COVID pandemic risks turning life with parole sentences into death-in-prison sentences. Worse still, the extreme racial disparities in who is serving life sentences means that this failure disproportionately affects Black families and communities deprived of the leadership of the people who remain imprisoned – at great cost to us all.

## Join us in urging Maryland legislators to take the politics out of parole.

It is time to shift the final decision to the Maryland Parole Commission (MPC), rather than the current practice of requiring the Governor to approve the MPC's decision. The people who earn the approval of the MPC by demonstrating their rehabilitation – based on years of vetting and a rigorous review process that includes a risk assessment and consideration by every member of the Parole Commission – should actually be able to earn their release instead of being blocked by the Governor for political reasons. Only a small number of those serving life with parole sentences earn the Commission's approval, yet even they are denied release under Maryland's current politicized process.



Nearly every other state in the country leaves parole decisions to the Parole Commission.

## 15 – 20

Currently, before someone may even be considered for parole by the Parole Commission, they must serve at least 15-20 years, depending on the sentence. After becoming eligible, Marylanders serving life with parole sentences are subject to a rigorous review process, including reviews of all their records, in-person interviews, risk assessment, and majority vote for the whole Board.

The chair of the Maryland Parole Commission has explained why parole is important:

“ [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. ”

## 77% / 30%

Maryland has some of the worst race disparities among those serving life with parole sentences in the nation – even worse than states like Alabama and Mississippi. About 77% of Marylanders serving life with parole sentences are Black. Only about 30% of Maryland's population is Black.

Because the “release valve” of parole for people serving parole-eligible life sentences is basically nonexistent, the number of people impacted by Maryland's politicized process has steadily increased, even while the overall prison population has declined.

The Parole Commission is appointed by the Governor. The Governor should trust the officials they appoint, who are in a better position to review each person's readiness for release.



Victims are notified in advance of every parole hearing and have the opportunity to speak; nothing in this bill changes that. The Parole Commission gives great weight to victim statements.

## 250

The successful return to society of more than 250 Marylanders who served life sentences through the *Unger* case demonstrates that they can safely return to their communities. This is consistent with research showing that those serving life with parole sentences who are released have extremely low recidivism rates.

Now, Marylanders serving life with parole sentences make up more than 10% of the state's prison population and cost more than **\$70 million per year**. This figure does not account for the significant medical costs associated with Maryland's aging population of people serving life sentences.

For more information, please contact Yanet Amanuel,  
ACLU of Maryland's public policy advocate: [amanuel@aclu-md.org](mailto:amanuel@aclu-md.org)

**Sabin\_SB202\_FAV.pdf**

Uploaded by: Amanuel, Yanet

Position: FAV

## **Support SB 202 - Parole for Eligible Inmates Serving Life Sentences**

My name is Edward Sabin. I'm part of the Maryland Alliance for Justice Reform (MAJR) and Maryland CURE. I am a retired state employee and have been a volunteer at Jessup Correctional Institution (JCI) for over 20 years. In that time I've come to know inmates who are fine people, who have a positive outlook, and who improve the prison environment for themselves and for others. Some are serving parole eligible life sentences and have been recommended for parole several times by the Maryland Parole Commission. But they remain in prison due to the reluctance of recent governors to sign off on their parole, the last step in the parole process in this state and two other U.S. states.

Attached are photos of two groups of parole eligible lifers serving sentences in JCI. Both photos are arranged from high to low in the number of years served. The longest serving inmates, pictured in the top row of the photos, range in age from 83 years to 66 years old as of last year. The second photo, also arranged from high to low in the number of years served, shows parole eligible lifers convicted for crimes committed while juveniles.

Several Maryland prisons have active lifers' groups including the Maryland Correctional Institution for Women (MCIW); the Maryland Correctional Institution-Jessup (MCIJ); and JCI. I've been invited to speak (and listen) to the MCIJ lifers' group. Last year I received a warm welcome from a group of 30 or so men crowded into a small classroom. Prior to COVID 19, they met every Friday evening and would appreciate outside guests coming in. When the pandemic is over, they would appreciate visits from members of the Judiciary Committee. They don't want to be forgotten.

For this reason I urge your support for SB 202 to remove a major roadblock for men recommended for parole so they can return to their communities. The maturity and leadership skills they learned the hard way are sorely needed outside the walls especially by the younger generation.

Thank you for your service to the people of Maryland,

Edward Sabin  
1639 Lakewood Road  
Pasadena, MD 21122  
410-255-7362  
[esabin1@comcast.net](mailto:esabin1@comcast.net)

**SB 202-Cynthia Hall-FAV.pdf**

Uploaded by: Amanuel, Yanet

Position: FAV

Cynthia Hall  
SB 202  
Favorable

We are the families of incarcerated individuals sentence to life imprisonment with the possibility of parole. We believe that the Governor should not play a role in the parole process in Maryland. We urge a favorable report on this bill.

I support this bill because it would decrease the number of reformed individuals and would bring my love one home and many others, my nephew been incarcerated since the age of 15 and now almost 40 he was never given a second chance to show that he's a responsible young man that's been rehabilitated and have done every program in there that can offer him a start for employment in society and can work as a productive citizen. We have missed many memories because the Governor refused to granted lifer parole that have been given parole by the Maryland Parole Commissioner.

My family do not deserved to die in jail and we should not have watch our family member live out the rest of their lives in prison after being promise true and meaningful consideration at parole.

We the families of incarcerated loved ones in Maryland strongly urgently passing of this bill.

**SB202\_FAV\_ACLUMD\_Amanuel.pdf**

Uploaded by: Amanuel, Yanet

Position: FAV



**Testimony for the Senate Judicial Proceedings Committee  
February 3, 2021**

YANET AMANUEL  
PUBLIC POLICY ADVOCATE

**SB 202 Inmates - Life Imprisonment - Parole Reform**

**FAVORABLE**

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ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland supports SB 202, which would bring Maryland into line with other states by giving the final say on parole for individuals serving parole-eligible life sentences to the Parole Commission.

The process for earning a recommendation for parole from the Maryland Parole Commission is itself extremely long and rigorous. An individual must serve many years before he or she can even be considered by the Parole Commission. After an initial hearing before two commissioners, parole candidates are subjected to an intensive risk assessment, reconsideration by the two-person panel, and, if successful, a vote by the entire Parole Commission. Only a tiny fraction of people serving life sentences make it through this process, which typically takes at least two years, and which invites opportunity for victim input at any stage.

Currently, Maryland is one of only three states in the country that adds an additional political step, requiring the Governor to personally approve parole for any individual serving a parole-eligible life sentence.<sup>1</sup> Ever since the 1990s, Maryland Governors have essentially refused to parole lifers regardless of individual merit and despite the fact that these individuals were sentenced with an understanding that, if they earned it, they would have a meaningful chance to live outside prison walls.

Maryland's current practice politicizes the parole process and disregards both the intent of the judges who sentence individuals to parole-eligible sentences and the expertise of the Parole Commission.

Maryland law is supposed to treat life and life without parole sentences differently. In Maryland, more than 2,000 individuals are serving sentences of life with the possibility of parole, including nearly 300 whose offenses were committed at age 17 or younger and 400 people who are now

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<sup>1</sup> The other states are California and Oklahoma.

50 years or older. (An additional 300 people are serving life without parole sentences; this bill does not affect them). Individuals serving life with parole were sentenced with the understanding that, if they demonstrated their rehabilitation, one day they would receive meaningful consideration for release.

But in the 1990s, Maryland Governors instituted a policy of denying lifers parole, regardless of individual merit, essentially changing their sentences to life without parole.<sup>2</sup> This policy has become so entrenched that until very recently, *no lifer had been paroled by a Governor in Maryland in nearly a quarter of a century*—during the tenure of several different Governors –no matter how thoroughly he or she had been rehabilitated.<sup>3</sup> Thanks to enormous public pressure and legal action in the courts, the current administration has allowed a handful of lifers to be paroled. But these actions show what people serving life sentences and their supporters have said for years: That whether people obtain their freedom on parole in Maryland is driven by politics, not merit. Marylanders who turn their lives around should have the right to earn parole. It should not depend on who is Governor – not now, and not in the future.

Moreover, under the current administration, the majority of lifers recommended to the Governor are still denied, many of whom are in their 50s and 60s. Many lifers have now spent three or four decades doing everything within their power to make things right – being model prisoners, holding jobs, mentoring younger prisoners, and more, only to be denied any hope of release. Maryland is spending millions of dollars incarcerating people who have demonstrated that they can safely return to their communities.

In 2011, the Maryland General Assembly expressed its opposition to this senseless approach and attempted to craft a compromise by passing legislation that required the Governor to act on Parole Commission decisions within 180 days after Commission approval. But it is clear that this step was not sufficient to take the politics out of parole: then-Governor O'Malley simply denied the application of the dozens of cases on his desk. Little has changed under the current Governor.

This bill seeks to bring Maryland into line with other states—most states

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<sup>2</sup> In the years prior, Governors routinely paroled lifers. Between 1969-1995, 181 lifers were paroled.

<sup>3</sup> A handful of individuals' sentences have been commuted in the last two decades, meaning that the Governor reduced their sentence. There are no standards governing commutations and no requirement of continuing supervision by the Courts. In contrast, a person who is paroled from a life sentence remains under supervision.

routinely parole lifers who are serving parole-eligible sentences. SB 202 makes no changes to the parole process except to take some of the politics out of parole by giving the final decision to the Parole Commission instead of the Governor. It does not guarantee the release of any person. In fact, the bill makes no change to parole eligibility, the time individuals must serve before being considered, or the rigorous, multi-step process that the Parole Commission uses to evaluate people for parole, including the seriousness of the offense, victim impact, and psychological assessments. The current practice of the Parole Commission is to recommend people serving life-with-parole sentences for parole only in the rarest of cases.<sup>4</sup>

SB 202 seeks to take the politics out of parole by leaving the decision to parole up to the Parole Commission. This change will not open any floodgates. It simply makes it possible for people with parole-eligible sentences to be released *if* the Parole Commission makes the decision to recommend them after its extensive vetting—the way the system is supposed to work.

For these reasons, we urge you to issue a favorable recommendation for SB 202.

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<sup>4</sup> In response to a 2018 Public Information Act request, the Parole Commission indicated it had recommended less than ten people for parole—out of more than 2,000—in the last ten years. An additional number of people have been recommended for commutations, averaging to about 4 per year, depending on the year.



**Shelley Gregory\_SB202\_FAV**

Uploaded by: Amanuel, Yanet

Position: FAV

**.pdf**

Bill No: SB202  
Title: Parole Reform  
Committee: Senate Judicial Proceedings Committee  
Hearing Date: 2-3-2021  
Position: SUPPORT

We are the families of incarcerated individuals sentenced to life imprisonment with the possibility of parole. We believe that the Governor should not play a role in the parole process in Maryland. We urge a favorable report on this bill.

We support this bill because it would decrease the number of reformed individuals who remain incarcerated and it would bring our family members home to us. We have lived without our family members for years and have missed out on countless milestones and memories with our loved ones because of the Governor's refusal to grant parole to many lifers who have been approved for parole by the Maryland Parole Commission, even when they have few, if any, infractions while incarcerated and have shown evidence of significant rehabilitation.

Maryland is one of only three states that includes the Governor in its decisions to grant parole. The politicization of the process for releasing rehabilitated incarcerated individuals has kept our family members in prison longer than they deserve. The process gives the Governor far too much power in making these decisions; it leaves the Maryland Parole Commission essentially powerless. From Governor Glendening's declaration that "life means life" in 1994 to Governor Hogan's refusal to parole lifers approved by the Maryland Parole Commission today, denying parole to lifers has been based on the false and offensive narrative that our family members cannot be rehabilitated. This is untrue and leaves our incarcerated loved ones and our families feeling hopeless and incomplete.

We are Maryland residents, taxpaying constituents of the members of this Judicial Proceedings Committee. The people we love are stuck in this stagnant, unjust system. They do not deserve to die in prison. We do not deserve to watch our loved ones live out their days in prison after being promised true and meaningful consideration at parole. Our loved ones are being resentenced de facto to death by incarceration. It is unfair to our family members and it is unfair to us.

**We, the families of incarcerated lifers in Maryland, strongly urge the passage of this parole reform bill.**

Shelley Gregory  
Yolanda Scott  
Roger Gregory  
William Lyons

**Smallwood\_FAV\_SB202.pdf**

Uploaded by: Amanuel, Yanet

Position: FAV

Bill No: **SB202**

Title: Parole Reform

Committee: Judiciary/Judicial Proceedings

Hearing Date: February 4, 2021

Position: SUPPORT

I am a wife of incarcerated individual that's sentenced to life imprisonment with the possibility of parole. I whole heartily believe that the Governor should not play a role in the parole process in Maryland. My desire is that you support this bill.

I support this bill because it would allow inmates a fair and second chance at life. Most of the inmates in their 50's, 60's, and 70's has been rehabilitated. With that said, many of us (families) has missed countless birthdays, holidays, traveling. I've been knowing my husband for about 23 years, and we been married for almost 4 years. We would like the opportunity to make new memories with our loved ones. Because all the memories we all have is prison memories!

The Governor's refusal to grant parole to many lifers including my husband. The Maryland Parole Commission, vote unanimous for my husband to be parole. He had not had any infractions in almost 30 years. My husband (Dameron Smallwood) and other model inmates has shown significant rehabilitation.

Maryland is one of only three states that includes the Governor in its decisions to grant parole. The politicization of the process for releasing rehabilitated incarcerated individuals has kept our family members in prison longer than they deserve. My husband been in prison since he 15 years old and now he's 51 years old. So many intimates are beyond the time being incarcerated.

The process gives the Governor far too much power in making these decisions; it leaves the Maryland Parole Commission essentially powerless. From Governor Glendening's declaration that "life means life" in 1994 to Governor Hogan's refusal to parole lifers approved by the Maryland Parole Commission today, denying parole to lifers has been based on the false and offensive narrative that our family members cannot be rehabilitated. This is untrue and leaves our incarcerated loved ones and our families feeling hopeless and incomplete.

I am Maryland resident, small business owner, and a taxpaying constituents of the members of this Judicial Proceedings Committee. The person I love is stuck in this immobile, unjust system.

My husband caught COVID, and I believe he almost died, because they to rush him to University of Maryland hospital where they worked on him to he was stable. I said to Kunle Adeyemo that I don't want to see my husband died in prison, because the carelessness of vendors and your workers. The workers at JCI has spread the virus rapidly in the prison.

These juveniles and lifers do not deserve to die in prison. When it's time die, I prefer him surrounding by family, not correctional officers or prison doctors and nurses.

Please have compassion when it's time to vote on this bill. I urge with everything within me to past this bill. Make God bless you and United States of America.

Thank you,

Cheryl Smallwood

# **REC Testimony in Support of SB 202 .pdf**

Uploaded by: Bickelman, Kirsten

Position: FAV

## Testimony in Support of SB 202 – Remove the Governor from Lifer Parole

*Submitted by*

**The Re-Entry Clinic at the American University Washington College of Law**

The **Re-Entry Clinic at the American University Washington College of Law** represents child offenders serving life sentences in Maryland prisons. Through its work, the Clinic is acutely aware of the impact that the Governor’s role in parole decisions has on its clients and their families. Thus, the Clinic strongly SUPPORTS passage of SB 202.

“Justice is the constant and perpetual will to allot to every man his due.”<sup>1</sup> As is, Maryland’s parole system does not serve the interests of justice. Parole is an “integral part of the penological system.”<sup>2</sup> It necessitates the allotment of freedom to men and women who have earned its due—namely, those who have already served decades in prison and have demonstrated their rehabilitation. However, the Governor’s intimate involvement in the parole process makes the likelihood of receiving a grant of parole, even in the most compelling cases, a short-lived fantasy.

In Maryland, a life sentence with the possibility of parole exists in name only. For years, the Governor’s role in Maryland’s parole system has transformed life sentences into life sentences without the possibility of parole. Per current law, a life sentence means eligibility for parole after approximately fifteen years in prison, but in reality, the Re-Entry Clinic routinely represents clients who have been in prison for twenty, thirty, forty, and more years whose likelihood of being granted parole is marginal at best.<sup>3</sup>

The Governor adds minimal insight to the parole process. Before Governor Glendening’s 1995 “life means life” proclamation,<sup>4</sup> four Maryland governors issued 181 parole orders over twenty-

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<sup>1</sup> (quoting Domitius Ulpianus, ancient Roman jurist).

<sup>2</sup> *Morrissey v. Brewer*, 408 U.S. 471, 477 (1972).

<sup>3</sup> Md. Code Ann. § 7-301(d)(1).

<sup>4</sup> Ann E. Marimow, [https://www.washingtonpost.com/local/public-](https://www.washingtonpost.com/local/public-<i>Teens sentenced to life in prison say Maryland's parole system is unconstitutional</i></a>, WASH. POST (Feb. 6. 2018) <a href=)

five years.<sup>5</sup> In the twenty-three years that followed Glendening’s policy, just three parole grants were issued, each by Governor Larry Hogan and each to adult lifers who were teenagers at the time of their offenses.<sup>6</sup> While the Governor’s office has argued that his role in the parole process fosters greater accountability because it puts the final decision in the hands of an elected official who must answer to the voters, that argument, in addition to the lack of parole grants we have seen over nearly three decades, reveals what is painfully true—the Governor’s involvement is purely political.<sup>7</sup>

As one of only three states that requires approval from the Governor as part of the parole process,<sup>8</sup> the Governor’s involvement not only embroils politics into what should be an apolitical matter, it also fails to adhere to the United States Supreme Court’s declaration that “youth matters.”<sup>9</sup> It is now a widely-recognized legal principle that child offenders must be treated differently than their adult counterparts. Even so, today, four hundred child offenders sit in prisons in Maryland serving life sentences—87% of them have already served twenty years or

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[safety/teens-sentenced-to-life-in-prison-say-marylands-parole-system-is-unconstitutional/2018/02/06/91f2dc72-0ab5-11e8-8890-372e2047c935\\_story.html](https://www.washingtonpost.com/news/energy-environment/wp/2018/02/06/91f2dc72-0ab5-11e8-8890-372e2047c935_story.html).

<sup>5</sup> John Yang, *In Maryland, many juvenile offenders languish in prison without parole*, PBS NEWS HOUR (Dec. 10, 2019), <https://www.pbs.org/newshour/show/in-maryland-many-juvenile-offenders-languish-in-prison-without-parole>.

<sup>6</sup> Hannah Gaskill, *Hogan Issues First Paroles for Juvenile Lifers in Decades*, NBC WASH. (Nov. 23, 2019), <https://www.nbcwashington.com/news/local/hogan-issues-first-paroles-for-juvenile-lifers-in-decades/2154790/>.

<sup>7</sup> Dan Rodricks, *Hogan starts to fix a parole system infected with politics*, The Baltimore Sun (Nov. 29, 2019), <https://www.baltimoresun.com/opinion/columnists/dan-rodricks/bs-md-rodricks-column-1201-20191129-qbp6t4gw15depaojv2jbnw3upu-story.html>.

<sup>8</sup> Cal. Const. art. 5, § 8 (noting California’s statute that requires governor’s approval for parole); Okla. Const. art. 6, § 10 (indicating Oklahoma’s statute that gives power to the governor to decide parole).

<sup>9</sup> *Miller v. Alabama*, 567 U.S. 460, 473 (2012).

more. Of them, the overwhelming majority are Black men.<sup>10</sup> This is true even though Maryland's Court of Appeals reiterated that a state must give juvenile defendants some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.<sup>11</sup>

These statistics tell us two things—the Governor's involvement in Maryland's parole process simultaneously endorses the State's title as a leading incarcerator of Black men and confirms the State's unwillingness to adhere to both United States and Maryland high court precedent. In its current form, Maryland's parole process provides no process at all—it serves only to ensure that most lifers will die in prison.

This summer, after a police officer in Minneapolis forced his knee into the neck of George Floyd for eight minutes and forty-six seconds, many said our country had reached a point of racial reckoning—a moment we must utilize to stare down hard truths.<sup>12</sup> Senate Bill 202 presents such a moment for Maryland.

At its core, parole is an opportunity for redemption. But the hard truth is, unless and until that opportunity is meaningful, redemption can never follow—neither for the most deserving of offenders nor for those perpetuating their incarceration.

We urge you to PASS Senate Bill 202.

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<sup>10</sup> [Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland](https://www.justicepolicy.org/research/12702?utm_source=%2fMarylandYoungAdult&utm_medium=web&utm_campaign=redirect), JUSTICE POLICY INSTITUTE (Nov. 2019), [http://www.justicepolicy.org/research/12702?utm\\_source=%2fMarylandYoungAdult&utm\\_medium=web&utm\\_campaign=redirect](http://www.justicepolicy.org/research/12702?utm_source=%2fMarylandYoungAdult&utm_medium=web&utm_campaign=redirect) (revealing that 70% of Maryland's prison population is Black, which is more than double the national average, 32%).

<sup>11</sup> *Carter v. State*, 461 Md 295, 311 (2012).

<sup>12</sup> [Summer of racial reckoning](https://www.mprnews.org/story/2020/08/24/npr-special-summer-of-racial-reckoning), MPR News (Aug. 24 2020), <https://www.mprnews.org/story/2020/08/24/npr-special-summer-of-racial-reckoning>.

# **SUP SB 202.pdf**

Uploaded by: Caroom, Philip

Position: FAV

# SUPPORT SB 202 - GOVERNOR OUT-OF-PAROLE BILL

MARYLAND ALLIANCE FOR JUSTICE REFORM  
Working to end unnecessary incarceration and build strong, safe communities



351 Dubois Road, Annapolis, Md. 21409

Feb. 3, 2021

Testimony of Phil Caroom for MAJR [exec.com](http://www.ma4jr.org).

For more than 20 years, Maryland governors refused over 2,000 inmates another chance, although Parole Commissioners recommended parole for many, although many such inmates were sentenced as juveniles, and although many such inmates now are frail and elderly. See <http://www.abell.org/publications/still-blocking-exit>. Several reasons support a change:

- 1) Governors in 47 other states do not have veto power over the parole process (the other two are California & Oklahoma);
- 2) **Life sentences with possible parole, under Maryland statutes, legally and morally are different than “life without parole” sentences—but Governors’ actions for years nullified the statutory difference by fiat;**
- 3) Removal of Maryland’s Governor from parole decisions will immunize him from political, *Willie-Horton*-based concerns;
- 4) Maryland parole commissioners-- mostly with law-enforcement background and all appointed by the Governor-- are carefully trained and make appropriate parole decisions without political pressure through applying scientific analysis and professional discretion to permit supervised parole-release only for parolees who will pose no risk to public safety;
- 5) **Elderly life-sentenced inmates cost two to three more than the normal \$40,000 per year per person due to extensive medical costs – and these taxpayer funds that better could be used to treat and rehabilitate youthful offenders who otherwise may continue to pose a risk to our communities without treatment;**
- 6) Juvenile-offense life-sentenced inmates, under U.S. Supreme Court decisions, neurological-science, and common sense, deserve to be judged under a different standard than mature adults;
- 7) Although the current Governor has approved a handful of paroles for those with life-sentences (as a “lame-duck Governor”), current Maryland law would permit any future Governor again to cancel all hope for thousands of legally-eligible parole candidates.
- 8) As demonstrated by Maryland’s Unger population and national statistics, the likelihood of recidivism for elderly inmates drops to approximately 1% so no real public safety issue would be posed by this legislation, particularly with the scientific-screening now used by Maryland’s Parole Commission.
- 9) Most important, this moral reason: Governors’ uniform parole rejection of every individual with a life sentence deprives every individual of hope. **David Blumberg, chair of Md.’s Parole Commission has stated that such absence of hope may increase the “threat of violence” to correctional officers as young lifers have no incentive to behave.**

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*Please note: This testimony is offered for Md. Alliance for Justice Reform ([www.ma4jr.org](http://www.ma4jr.org)), not for the Md. Judiciary.*

**testimony.SB202.pdf**

Uploaded by: Chaudry, Zainab

Position: FAV



February 3, 2021

Honorable Senator William C. Smith, Jr.  
Chair, Senate Judicial Proceedings Committee  
Miller Senate Office Building, 2 East  
Annapolis, MD 21401

**Re: Testimony in SUPPORT of SB202 – Correctional Services - Parole - Life Imprisonment**

Dear Chair William C. Smith, Jr. and Senate Judicial Proceedings Committee Members:

On behalf of the Council on American-Islamic Relations, I thank you for this opportunity to testify in strong support of Senate Bill 202 entitled Correctional Services - Parole - Life Imprisonment. CAIR is America's largest Muslim civil rights and advocacy organization.

Maryland is one of only three states in the country that grants **sole authority** to the Governor to make the decision on whether to approve parole for eligible Marylanders. Our state also leads the country in incarcerating African Americans. In 2018, the [Justice Policy Institute reported](#) that African Americans make up more than 70% of Maryland's prison population, but only 31% of the state's population. They also make up 82% of people who have served the longest prison terms.<sup>1</sup>

These staggering statistics illustrate the problematic notion that certain groups of people do not deserve compassion, aren't worthy of redemption and deserve to be isolated from society permanently.

The Maryland Parole Commission was established under the Department of Public Safety and Correctional Services and charged with deciding whether Marylanders serving sentences of six months or more in state or local facilities, are suitable for release under supervision on a case-by-case basis.

The Commission looks at multiple factors when conducting an initial parole grant hearing, including the nature and circumstance of the offense; victim input; history and pattern of offenses; prior incarcerations; institutional adjustment; rehabilitation; programming needs; home plans and employment readiness. These decisions are not taken lightly.

Appointments to the Parole Commission are made by the Governor. The Governor should demonstrate trust in officials appointed under his authority. They are more familiar with circumstances and can better evaluate readiness for release.

But as of yet, for over a decade now, the State of Maryland has treated life sentences with possibility of parole the same as life sentences without parole. In addition to ethical and practical considerations, the incarceration of Marylanders serving life with parole sentences costs more than \$70 million tax dollars annually.

It's time to take the politics out of the decision to grant parole. This will ensure Marylanders who have demonstrated rehabilitation a fair, non-politicized parole granting process; restore trust in the Parole Commission; and enable our state to spend our tax dollars more efficiently.

For these reasons, CAIR strongly supports SB202 and urges a favorable report. Thank you for your consideration.

Sincerely,

Zainab Chaudry, Pharm.D.  
Director, CAIR Office in Maryland  
Council on American-Islamic Relations  
Email: [zchaudry@cair.com](mailto:zchaudry@cair.com)

1. *[POLICY BRIEFS 2019] Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland*. November 6, 2019. **Justice Policy Institute**. Accessed February 1, 2021

# **SB 202\_ Correctional Services- Parole - Life Impri**

Uploaded by: Egan, Ashley

Position: FAV



# Unitarian Universalist Legislative Ministry of Maryland

*Shared Voices for Liberal Religious Values in Maryland*

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## Testimony in Support of SB 202 -Correctional Services - Parole - Life Imprisonment

To: Senator Will Smith, Chair and the Members of the Judicial Proceedings Committee  
From: Candy Clark, Criminal Justice Task Force Chair,  
Unitarian Universalist Legislative Ministry of Maryland

Date: February 3, 2021

My state-wide faith group, the Unitarian Universalist Legislative Ministry of MD, like many other advocacy groups, has supported this issue for many years. Our work is grounded in our values and principles. They guide us in which issues to select. When we say we believe in the inherent worth and dignity of all people, we mean ALL, that includes the incarcerated: especially the ones who have been sentenced to LIFE in prison WITH the possibility of parole. This sentence has not been justly enforced.

We urge you to support this bill, because it applies to a segment of the prison population that are, for the most part, NOT getting the opportunity for parole even when the parole board reviews their record and deems them qualified. Currently, the governor is required to make the final decision on granting parole; which adds an additional layer of politics to this process and creates another hoop for them to jump through. The parole board (which is appointed by the governor) evaluates the qualifications of the person seeking parole and is recognized as doing a thorough investigation. It also allows for victim input by personal appearances or written statements. Maryland is still only one of three states that has the governor involved in this process!

Last fall I attended a fundraiser by a Lobby group whose key-note speaker was US Congressman Jamie Raskin. He formerly served as a MD state Senator for nine years and was held in high esteem here. While talking about the different types of legislation, he said that certain issues seemed **impossible** to change (like the death penalty and marriage equality) but as they linger in the legislative process over the years – they eventually become **inevitable**. SB 202 Correctional Services - Parole - Life Imprisonment or “Lifers with Parole” is such a bill. It has been kicked down the road for too many years.

The time is past due to honor the inherent worth and dignity of those citizens serving LIFE WITH THE POSSIBILITY FOR PAROLE. It is time for it to be as Jamie Raskin says **INEVITABLE**. The Unitarian Universalist Legislative of Ministry asks for a **FAVORABLE vote** for SB 202.

Thank you all for your caring service especially in these challenging times.

Sincerely,

*Karen Clark*

Karen “Candy” Clark

UULM-MD Criminal Justice Task Force Leader

**UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044,**

[www.uulmmd.org](http://www.uulmmd.org) [info@uulmmd.org](mailto:info@uulmmd.org) [www.facebook.com/uulmmd](https://www.facebook.com/uulmmd) [www.twitter.com/uulmmd](https://www.twitter.com/uulmmd)

**SB 202 PJC favorable testimony.pdf**

Uploaded by: Gardner, Debra

Position: FAV



Debra Gardner, Legal Director  
Public Justice Center  
201 North Charles Street, Suite 1200  
Baltimore, Maryland 21201  
410-625-9409, ext 228  
gardnerd@publicjustice.org

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## SB 202

### Correctional Services - Parole - Life Imprisonment

Hearing before the Senate Judicial Proceedings Committee, February 3, 2021

#### Position: SUPPORT

The Public Justice Center (PJC) supports SB 202 as a matter of plain justice as well as governmental efficiency. It is time to give meaning to the “with parole” in a life sentence with parole by taking the decision out of the hands of any Maryland governor and placing the responsibility with the parole commissioners who are appointed by the governor and have the experience and expertise to evaluate applicants and make parole and commutation decisions.

Currently, Maryland is one of only 3 states in the entire US to give its governors this power. Since they have no expertise in making such important decisions, this amounts to a gut-check opportunity to bend to public opinion or political pressure not to release deserving, rehabilitated individuals approved by the parole commission. Even under the best of circumstances, this process results in unnecessary delay and a redundant level of review and approval already undertaken by multiple more qualified layers of government. This life with theoretical parole bottleneck now means that 10 % of Maryland’s prison population are costing us over \$70 million a year.

Most important, Maryland’s current parole system disproportionately burdens people of color at a shameful level. Worse than some southern states with legendarily racist prison systems, the percentage of Black people serving life with theoretical parole is more than double the percentage of the Black population of our state. 77 % of those counting on theoretical parole are Black.

The PJC is a non-profit legal advocacy organization dedicated to racial equity and ending poverty. Its Prisoners Rights Project seeks basic justice through reform in our criminal justice system and an end to all unnecessary detention and incarceration.

The PJC urges a FAVORABLE REPORT on SB 202. If you have any questions, please feel free to contact Debra Gardner, Legal Director, at [gardnerd@publicjustice.org](mailto:gardnerd@publicjustice.org) or 410 625 9409 ext 228.

**SB0202 - LIFERS BILL - AUTUMN WOODLAND.pdf**

Uploaded by: HAZELTON, MARTINA

Position: FAV

Letter in Support of SB0202  
Autumn N. Woodland, JD  
954 North Hill Rd.  
Baltimore, MD 21218

My name is Autumn Woodland. My father is serving a life sentence and has been incarcerated since 1983. I support SB0202. If the Governor were not involved in the parole process, my father would have been reunited with our family years ago, as he has been recommended for parole more than once. During his time in prison, he has done and is doing some of the following:

-Serves as mentor

-Serves a leader in his spiritual community

-Earned a college degree

-Taken the majority of classes offered to the incarcerated population

-Became a certified mediator

-Worked with Drew Leder, Professor of Philosophy at Loyola University of Maryland to co-author a book titled *The Soul Knows No Bars: Inmates Reflect on Life, Death and Hope*

- Co-parented with my mother: He helped my mother raise me via weekly phone calls, multiple letters, and visits when my mother and I could travel to Baltimore from Pennsylvania. He's been an active parent over the duration of his sentence. I am a person who some would consider successful. I have a B.S. in business administration from Florida A&M University, a JD from Hofstra University, and I work for a major corporation as an analyst. I mention these accomplishments because I doubt I would have achieved any of these things without the support of my father.

My father is a man who wants nothing more than to come home and support his family. He wasn't given a fair trial due to improper jury instructions, and an expert perjured on the witness stand while testifying against him. In spite of this he has remained positive and hopeful, while also boosting the morale of his children and other loved ones. When I meet people who know him, they're excited to tell me how much they respect him and that he's made a major impact on their lives.

My father remains in prison because the Governor has never seen fit to grant him parole. He's one example of many citizens who deserve to be released. The Parole Commission can't fully do what it's supposed to do because of the Governor's refusal to grant parole to people who have proven they deserve to be released. It is imperative the Governor is removed from the parole process in order to allow Maryland citizens to move on with their lives and reunite with their families.

Best,  
Autumn N. Woodland, JD

**SB202 - LIFERS BILL - DEMORRICE MATTOX.pdf**

Uploaded by: HAZELTON, MARTINA

Position: FAV

Bill No: SB202  
Title: Parole Reform  
Committee: Senate Judiciary Committee  
Proceeding: Lifers Bill  
Hearing Date:2/3/21

I, DEMORRICE MATTOX member of (Family Support Network) am writing in **support** of Bill No: SB202 Governor Glendenning in 1994 unjust declaration saying to press that "life means life" and to Governors L. Hogan's refusal to parole lifers

We believe that the Governor of Maryland should not have the power or play a role in the parole process.

My brother (DORIAN MATTOX) a first-time offender sentence in 1976, was advised by his lawyer to take a plea bargain and was told he be eligible for parole and released in 20yrs.

Dorian his been up for parole 12 times. His letter of petition has been on the Governor's desk numerous times and my brother Dorian has been incarcerated for over 44 years. My brother is a caring and spiritual person and shown tremendous growth and stride. Over the last 44 years he has earned his GED IN 1979 an AA Degree from Essex Community College in 1983 and has been involved in numerous positive organizations within the prison system. We (FSN) and the Citizens of Maryland don't want our loved ones to live out their lives in prison especially with all the lives being lost due to COVID-19. I STRONGLY URGE THE PASSAGE OF THIS BILL:NO: HB0003.

Thank you so much for your time and attention.

Demorrice Mattox

**SB202 - LIFERS BILL - Judith Lichtenberg.pdf**

Uploaded by: HAZELTON, MARTINA

Position: FAV

February 3, 2021

## Testimony in support of Maryland Senate Bill 202

I urge you to support SB 202, a bill that would take the governor out of the parole process in Maryland. As professor of philosophy at Georgetown University, I have taught at Jessup Correctional Institution and at the DC Jail since 2016. At both places I have taught and tutored lifers who have already served more than 15 or 20 years behind bars. Some of them have become friends, whom I trust as much as anyone I know.

As you know, Maryland is one of only three states in the country to require the governor's approval to release anyone serving a life-with-parole sentence. This policy inevitably politicizes the parole process. Shockingly, only three lifers have been granted parole in 25 years—even when the Maryland Parole Commission approved their release, which it rarely does.

Currently, more than 2,000 people are serving life-with-parole sentences in Maryland. Of those, 300 committed their offenses as juveniles, and 400 are now 60 years old or older. Many of these people, including many students I have taught at Jessup and the DC Jail, have undergone great transformations and have shown that they can lead good and productive lives outside the walls. Research shows that lifers released on parole have a very low recidivism rate; in Maryland, the successful release of 250 lifers under the *Unger* decision powerfully supports that claim.

More than 10 percent of those in Maryland prisons are serving life-with-parole sentences, costing taxpayers more than \$70 million a year. Moreover, the extreme racial disparities in Maryland's prisons means that the governor's role disproportionately affects Black prisoners and their families.

Under the new legislation, instead of vetoing every parole, governors would select capable commissioners for the Maryland Parole Commission who would make evidence-based recommendations. Before someone can even be considered for parole, they must serve 15 to 25 years (depending on the sentence). They are then subject to a rigorous review process, including reviews of all their records, in-person interviews, a risk assessment, and majority approval by the commission. Victims are notified of every parole hearing, and the commission gives great weight to their statements. None of this would change under the new law.

Requiring the governor to approve all paroles for lifers is deeply problematic for several reasons. It politicizes the parole process. It does an injustice to prisoners who have turned their lives around. It wastes precious human resources. It costs Maryland taxpayers money. And it further entrenches the grave racial disparities in our criminal justice system. It's time to end this practice.

Sincerely,

Judith Lichtenberg  
7109 Eversfield Drive  
Hyattsville, MD 20782  
[jalichtenberg@gmail.com](mailto:jalichtenberg@gmail.com)  
301 814-7120

Professor Emerita of Philosophy  
Georgetown University

**SB202 - LIFERS BILL - KYM NELSON.pdf**

Uploaded by: HAZELTON, MARTINA

Position: FAV

Bill Number: SB202

Title: Correctional Services - Parole - Life Imprisonment

Committee: Senate Judicial Proceedings Committee

Date: February 4, 2021

Support for SB202, Lifers Bill – Petition to Remove the Governor from the Parole Process

Dear Honorable Members of the Legislative Committee:

My name is Kymberly Nelson. I reside in Prince George's County, Maryland. I am the Aunt of an Inmate who is currently incarcerated at the Jessup Correctional Institution.

I am in support of the Lifers Bill – SB 202 to remove the Governor from the parole process. My nephew was second to the oldest of seven children. At the young tender age of six, he took the leadership role in his home. He had two younger siblings, a younger brother who was four and his younger sister was two. They were all being neglected by their parents due to drug abuse that the rest of the family was oblivious to. One morning I noticed my nephew walking to his bus stop by himself. That troubled me. So the next day, I went to walk him to the bus stop. When I arrived at the house, his parents were asleep. My nephew opened the door and let me in. He had on a dirty school uniform and went in the kitchen to warm up some rice for himself and his siblings which were 4 and 2 at the time.

Soon after, my nephew and his siblings moved into our household. Even after he moved in with us, he was still trying his hardest to be the parental figure for his siblings. They were all severely traumatized. He would wet the bed. He became somewhat withdrawn. He had abandonment issues and communicated to me all the terrible things that he witnessed while he was with his parents. Even though his home life wasn't easy for him. School was. He was very intelligent. His teachers and guidance counselor were particularly fond of him. They often bragged about how smart he was and how helpful he was. Some years later, his mom rehabilitated herself. She got a job, an apartment and she regained custody of her kids. She didn't live in the best neighborhood and became heavily Influenced by his environment. With a lack of positive role models accompanied with low self-esteem, he started to use marijuana and PCP to cope with the emptiness he felt. He started using drugs around 13-14 to my knowledge. With the drug use he lacked good judgement and critical thinking skills.

He committed a tragic crime and was arrested at sixteen years old and sentenced at seventeen to Life in Prison all suspended except thirty-five years. To date he has been incarcerated longer than he was alive at the time he was arrested. Since his incarceration, he has received his GED, successfully completed an Auto Mechanic Program. He hasn't been in any trouble. He has a constant desire to learn. He reads all kinds of books. We discuss the books that he and I have read. He talks about wanting to become an Entrepreneur when he is released and starting a nonprofit to help the youth.

This is why I am in support of the SB 202. If you commit a crime you have to be punished but the amount of time one is punished, should be fair and just. There are things that I have done as a juvenile that I wouldn't dare do today as an adult. Even though Juveniles commit crimes and the courts charge them as adults, the fact is, they are not adults. You have to give juveniles the opportunity to mature, reform, rehabilitate and redeem themselves as a productive Adult. Sixteen years is a short life. When you think of yourself at Sixteen, and all the mistakes that you have made, you look back and say I was just a kid. Juvenile lifers don't get that same respect. They were kids who committed a crime and served adult time.

People serving life sentences don't generally elicit much public sympathy. They were generally convicted of heinous crimes, usually first-degree murder. But the fact of the matter is that those who were sentenced to life with the possibility of parole had the understanding — as did the lawyers who counseled them, the prosecutors who convicted them and the judges who sentenced them — that they would one day have the opportunity for release if they had served substantial amounts of time and no longer presented a danger to the community. More than 2,500 people serving life sentences in Maryland are now eligible for parole, and because of the decades-long reluctance of Maryland governors to allow their release, they are an increasingly elderly group. Maryland's parole commission made such recommendations scores of times, but none were approved for a period of more than 20 years, by any Governor. If the recommendations from the Parole Board are ignored by the Governor, what is the Parole Board there for? Aren't they more qualified than the governor to make such recommendations? I believe so. These Institutions are overcrowded and releasing those who have served 15-20 years, taken advantage of the programs and demonstrated good behavior should receive parole.

In conclusion, this bill is very important to the families of Juvenile Lifers. We would love to be able to see Sean outside of Prison, functioning and thriving as a productive citizen. We want to be able to see him fulfill his greatest potential.

Thank you for your time, consideration and understanding.

**SB202 - LIFERS BILL - L Bezold.pdf**

Uploaded by: HAZELTON, MARTINA

Position: FAV

Bill No: SB 202  
Title: Parole Reform  
Committee: Judiciary/Judicial Proceedings  
Hearing Date: 2/1/21  
Position: I support this bill.

I believe that the Governor should not play a role in the parole process in Maryland. I urge a favorable report on this bill.

I support this bill because it would decrease the number of reformed individuals who remain incarcerated. Many have lived without their family members for years and have missed out on countless milestones and memories with loved ones because of the Governor's refusal to grant parole to many lifers who have been approved for parole by the Maryland Parole Commission, even when they have few, if any, infractions while incarcerated and have shown evidence of significant rehabilitation.

Maryland is one of only three states that includes the Governor in its decisions to grant parole. The politicization of the process for releasing rehabilitated incarcerated individuals has kept too many in prison longer than they deserve. The process gives the Governor far too much power in making these decisions; it leaves the Maryland Parole Commission essentially powerless. From Governor Glendening's declaration that "life means life" in 1994 to Governor Hogan's refusal to parole lifers approved by the Maryland Parole Commission today, denying parole to lifers has been based on the false and offensive narrative that these men and women cannot be rehabilitated. This is untrue and based on the releases already made through the Unger decision, we need change now.

I am a Maryland resident, taxpaying constituent of this Judicial Proceedings Committee. There are people I know who are stuck in this stagnant, unjust system. They do not deserve to die in prison, especially after being promised true and meaningful consideration at parole.

**I strongly urge the passage of this parole reform bill.**

Sincerely,

*Laurie Bezold*

Laurie Bezold  
3801 Beech Avenue  
Baltimore MD 21211  
443-418-0394

**SB202 - LIFERS BILL - MARGARET TRENKLE.pdf**

Uploaded by: HAZELTON, MARTINA

Position: FAV

Bill No: SB 202  
Title: Parole Reform  
Committee: Senate Judicial Proceedings Committee  
Hearing Date: 2/3/21  
Position: SUPPORT

I believe that the Governor should not play a role in the parole process in Maryland. I urge a favorable report on this bill.

Maryland is one of only three states that includes the Governor in its decisions to grant parole. The introduction of politics in this process makes it difficult for governors to make an impartial decision that is not swayed by public opinion or fears regarding re-election if they make a wrong decision. It leaves the Maryland Parole Commission essentially powerless and keeps people in prison who have reformed their lives and could be productive members of our state if given the opportunity. It does not give them an opportunity to play a meaningful role in their children's lives. I worked with many children who had parents in prison and it was something that always stayed with them even as they grew older. It is unjust to say that a prisoner has life with the possibility of parole when that parole is very rarely -if ever-granted. Many of these prisoners went to prison when they were very young and have made significant changes in their lives since that time. Current data , including a study of those released under the Unger decision, supports the idea that prisoners are much less likely to re-offend if they are older and if they have received intensive re-entry support. I would much rather see my taxpayer funds being used for that purpose rather than continued imprisonment which does not benefit anyone including the victims.

Thank you for considering my views in your decision.

Margaret Trenkle  
702 Eastshire Drive, Baltimore, Md. 21228  
(H)410-788-2185/ (C)410-262-8772  
[m.trenkle@verizon.net](mailto:m.trenkle@verizon.net)

**SB202 - LIFERS BILL - MARTINA HAZELTON.pdf**

Uploaded by: HAZELTON, MARTINA

Position: FAV

January 18, 2021 @ 1pm (House Hearing)  
February 3, 2021 @ 1pm (Senate Hearing)

Senate Judiciary Committee  
Maryland General Assembly  
State House  
100 State Circle  
Annapolis, MD 21401

RE: SB 202 – Inmates – Life Imprisonment – Parole Reform – SUPPORT

Please accept my written testimony in support of the Senate Bill 202. I am testifying on behalf of my husband who is currently serving a parolable life sentence. He entered the Department of Corrections at the age of 16. His sentence is one that would lead you to believe that after serving a considerable/substantial amount of time and upon his ability to demonstrate change, rehabilitation and readiness to re-enter society that he might be considered and ultimately granted parole. However, under the current system that simply is not true. There currently is no difference between Life with Parole and Life Without Parole in Maryland– they are simply the same – they both represent and guarantee that if you have either of those sentences in Maryland, you surely will die in prison.

I give this testimony as a first-hand witness to the current parole process. I was once told by my Public Administration Professor that “A system will do what it is set up to do even if the result is dysfunction.” That couldn’t be truer than of Maryland’s parole process. The current result is dysfunction and is counterintuitive to its perceived goal. The average person thinks that there is a well thought out process of entry and exit. However, I stand before you to say that is an untruth. The process is a conundrum to which few find the answer. That is especially true for those serving parolable life sentences. Case management and parole are directly related but, case management and the parole process are mutually exclusive operationally. Case management relies heavily on the parole eligibility and recommendations when assessing an inmates security classification and for a person to be deemed parole eligible/suitable relies heavily on their matriculation through the Department of Corrections system. There is a circular reference that each parolable lifer faces. A lifer cannot demonstrate to the parole board the growth and readiness to re-enter society when most inmates are held at a maximum security level which allows little to no chance of forward progress that ultimately eliminates the possibility of parole.

Having a loved one that has made a mistake and is in the custody of the Department of Corrections takes a toll on everyone involved. The incarcerated are often forgotten and abandoned by their loved ones, not because their families don’t care but it just requires so much effort to emotionally and financially support those on the inside. It takes commitment and an unconditional love to withstand the immense gravity of confinement. As the wife of a parolable lifer, it is heart-wrenching to see my husband that wants nothing more than to be given a second chance. He wants nothing more than to demonstrate growth, maturation and change that have taken place in him over the last 28 years. Only to be told by the same system (case manager) that is supposed to support his efforts – there is nothing else for you to take here. He remains

stuck along with the hundreds of other parolable lifers warehoused across the state of Maryland - there is no exit for you! There is no genuine or meaningful second chance for you!

The opposition will have you to believe that there are several avenues that can be pursued to achieve a second chance. I am here to tell you there are no viable options. Sentence modifications, reconsiderations, post-conviction appeals, etc. are paths that one can take, however, if you are not independently wealthy and, in a position, to pay for a private attorney – How can you file such motions? The Office of the Public Defender is overwhelmed by their current work load. Individuals can file *pro se*, however, most Judges disregard those submissions with immediate denials. So again, you sit year after year with no sign of hope. When my husband was sentenced to a parolable life sentence at the age of 16, he along with his entire family and I was devastated. However, he believed that there was still a chance for him. My husband was sentenced in 1993 and even with having earned diminution credits through employment he will not be eligible for his first parole hearing until 2030 after having served 37 years. This system is so the exact opposite of equal as his co-defendant who was the principle in this offense was released on December 17, 2020. Where is the justice in that?

It is my desire that you consider the legislation before you as a remarkable step in the right direction of fixing a process that is riddled with flaws. It changes the trajectory of hundreds of lives and restores the hope that was initially intended for parolable lifers. This bill will redefine and make a distinction between Life with and without parole. They were never intended to be the same. You undo one of the contributing factors to the mass incarceration epidemic we face in this state and this nation. You address the racial disparity that has been so unjust to Black and Brown people. More importantly you demonstrate mercy and acknowledge that true redemption is possible which is the fundamental principle that parole was established upon. I hope that you will unequivocally support this bill and move it forward for a vote.

Respectfully,

*Martina Hazelton*

Martina Hazelton  
Co-Founder, Family Support Network  
3937 ½ Minnesota Avenue, NE  
PO Box 64093  
Washington, DC 20029  
Email – familysupprntnrk@gmail.com

**SB202 - LIFERS BILL - Shelley Gregory.pdf**

Uploaded by: HAZELTON, MARTINA

Position: FAV

Bill No: SB202  
Title: Parole Reform  
Committee: Senate Judicial Proceedings Committee  
Hearing Date: 2-3-2021  
Position: SUPPORT

We are the families of incarcerated individuals sentenced to life imprisonment with the possibility of parole. We believe that the Governor should not play a role in the parole process in Maryland. We urge a favorable report on this bill.

We support this bill because it would decrease the number of reformed individuals who remain incarcerated and it would bring our family members home to us. We have lived without our family members for years and have missed out on countless milestones and memories with our loved ones because of the Governor's refusal to grant parole to many lifers who have been approved for parole by the Maryland Parole Commission, even when they have few, if any, infractions while incarcerated and have shown evidence of significant rehabilitation.

Maryland is one of only three states that includes the Governor in its decisions to grant parole. The politicization of the process for releasing rehabilitated incarcerated individuals has kept our family members in prison longer than they deserve. The process gives the Governor far too much power in making these decisions; it leaves the Maryland Parole Commission essentially powerless. From Governor Glendening's declaration that "life means life" in 1994 to Governor Hogan's refusal to parole lifers approved by the Maryland Parole Commission today, denying parole to lifers has been based on the false and offensive narrative that our family members cannot be rehabilitated. This is untrue and leaves our incarcerated loved ones and our families feeling hopeless and incomplete.

We are Maryland residents, taxpaying constituents of the members of this Judicial Proceedings Committee. The people we love are stuck in this stagnant, unjust system. They do not deserve to die in prison. We do not deserve to watch our loved ones live out their days in prison after being promised true and meaningful consideration at parole. Our loved ones are being resentenced de facto to death by incarceration. It is unfair to our family members and it is unfair to us.

**We, the families of incarcerated lifers in Maryland, strongly urge the passage of this parole reform bill.**

Shelley Gregory  
Yolanda Scott  
Roger Gregory  
William Lyons

**2021-02-03 SB 202 (Support).pdf**

Uploaded by: Jung, Roy

Position: FAV

**BRIAN E. FROSH**  
*Attorney General*



**ELIZABETH F. HARRIS**  
*Chief Deputy Attorney General*

**CAROLYN QUATTROCKI**  
*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.  
410-576-6584

February 3, 2021

**TO:** The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

**FROM:** The Office of the Attorney General

**RE:** SB 202 – Correctional Services – Parole – Life Imprisonment – **Support**

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The Office of Attorney General urges this Committee to favorably report SB 202.<sup>1</sup> If enacted, this legislation would remove the Governor's power to veto Parole Commission grants of parole to individuals who (a) are serving life sentences, and (b) have already been imprisoned 20 or more years.

Under Maryland law, "an inmate sentenced to life imprisonment with the possibility of parole is not eligible for parole consideration until the inmate has served 15 years (or the equivalent of 15 years taking into account diminution credits)."<sup>2</sup> By eliminating the Governor's power to block a release upon a favorable Parole Commission recommendation only after an inmate has served 20 years, this legislation ensures that those eligible to benefit from the provision will have served at least 5 additional years after they first became eligible for parole. Twenty years is the equivalent of two decades—nearly a whole generation—and ample time for retribution, deterrence, incapacitation, and rehabilitation. Moreover, only those prisoners the Parole Commission deems mature and rehabilitated enough to warrant release will benefit from the provision.

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<sup>1</sup> The Office of Attorney General's support for the policy advanced by SB 202 is neither an admission, stipulation, concession nor indication that the current Maryland parole practice is unconstitutional. See *Carter v. State*, 461 Md. 295, 307 (2018) ("[T]he laws governing parole of inmates serving life sentences in Maryland, including the parole statute, regulations, and a recent executive order adopted by the Governor, on their face allow a juvenile offender serving a life sentence a 'meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.'"). Suboptimal, but constitutional, parole outcomes that can be improved legislatively ought to be so improved. In short, nothing in this written testimony signals a shift in the State's litigation position in *Maryland Restorative Justice Initiative et al. v. Gov. Larry Hogan, et al.*, 1:16-cv-01021-ELM.

<sup>2</sup> *Carter*, 461 Md. at 319 (citing CS § 7-301(d)(1); COMAR 12.08.01.17A(7)).

Maryland’s practice of providing its Governors a veto power in the context of parole is in the distinct minority amongst states. There are only two other states that follow this practice: Oklahoma<sup>3</sup> and California.<sup>4</sup>

It is beyond dispute that Maryland Governors, dating back to 1995, have seldom approved parole for individuals serving life sentences. At least one such governor, Parris Glendening, coined the phrase “life means life” and refused to grant any paroles to inmates sentenced to life imprisonment except in the case of very old or terminally ill inmates—even when they were eligible and the Parole Commission recommended parole. Governor Glendening’s successor, Robert Erlich, granted only few paroles to individuals serving life for reasons other than exceedingly old age or terminal illness. During his two terms, Governor Martin O’Malley returned to the Glendening practice of not granting anyone sentenced to life imprisonment parole.

Upon information and belief, approximately 415 currently incarcerated individuals, circa 200 of whom were juveniles at the time they committed their crimes, might benefit from this provision. If the past is prologue, the vast majority of these individuals will not survive Parole Commission scrutiny. In the 20 years preceding March 2016, evidence suggests that “the Parole Commission had recommended parole for 27 inmates serving life sentences, that governors had denied 24 of those recommendations, and that three remained pending.”<sup>5</sup> Nonetheless, if the Governor were removed from the process a quarter century ago, then at least 24 more demonstrably deserving people would be free today.

The time has come to remove gubernatorial politics from Maryland’s parole process. It is for this reason that the Office of Attorney General supports SB 202.

cc: Members of the Judicial Proceedings Committee

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<sup>3</sup> See *Carter*, 461 Md. at 320 n.12; see also *Tryon v. State*, 423 P.3d 617, 650 (Okla. Crim. App. 2018) (“Parole is a discretionary act of the Governor which releases a person from jail, prison or other confinement, after actually serving a part of the sentence. Probation, on the other hand, relates to judicial action taken before the prison door is closed, and is part of the sentence imposed”) (internal quotations and citations omitted).

<sup>4</sup> See *Carter*, 461 Md. at 320 n.12; see also *Gilman v. Brown*, 814 F.3d 1007, 1010 (9th Cir. 2016) (Stating that California’s amended constitution gave discretion to the governor to make parole decisions).

<sup>5</sup> *Id.* at 330.

**SB 202 Kelley Testimony .pdf**

Uploaded by: Kelley, Delores

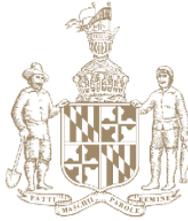
Position: FAV

**SENATOR DELORES G. KELLEY**

*Legislative District 10*  
Baltimore County

—  
*Chair*  
Finance Committee

—  
Executive Nominations Committee  
Rules Committee  
Legislative Policy Committee



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**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

**TESTIMONY OF SENATOR DELORES G. KELLEY**  
**REGARDING SENATE BILL 202-CORRECTIONAL SERVICES-**  
**PAROLE-LIFE IMPRISONMENT BEFORE THE SENATE**  
**JUDICIAL PROCEEDINGS COMMITTEE**

**FEBRUARY 3, 2021**

**Mr. Chairman and Members:**

The main purpose of this Bill is to eliminate unwarranted disparity and the lack of transparency in Maryland's response to petitions for parole consideration for parole-eligible lifers. In addition, Senate Bill 202 also increases the time that such an inmate must serve from, 15 years to 20 years, before gaining eligibility for parole consideration. The Bill applies to both

SB 202

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parole-eligible lifers whose petitions are handled by either the Maryland Parole Commission or by the Patuxent Board of Review, and takes the Governor out of the approval process.

Maryland is one of only three states in which an inmate serving a parole-eligible life sentence, and recommended for parole by the Maryland Parole Commission can be denied parole unless the Governor approves. The only other such states are California and Wyoming.

Parole-eligible lifers, after decades of incarceration tend to have health challenges, and age-related disabilities which pose significant costs to Maryland taxpayers, and at a time in the life cycle when many such inmates have little probability of eroding public safety.

Under the current statutory scheme, any parole petition from a parole-eligible inmate requires affirmative action on the part of the governor within 180 days following an unanimous recommendation by 2 parole commissioners. While some previous administrations denied parole to all parole-eligible lifers, the Maryland Parole Commission has quietly recommended that governors commute these inmates' life sentences to a specific term of years so that the Parole Commission can later parole such formerly life-eligible inmates from the number of years to which their original life terms were quietly commuted by a governor.

This two-step strategy lacks prior notice or any required public documentation after the fact. Without sunshine or transparency,

governors have little concern regarding the need for victim notification or for disapproval by the general public. The behind the scenes use of commutation also shields governors from public knowledge or displeasure about hidden demographic disparity.

Two recent Governors, Glendening and Ehrlich, during their terms of office, supported the current flawed system, but both have since announced their strong regret and are on public record as supporting reforms, such as those represented by Senate Bill 202.

SB 202

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Maryland could also use the budgetary savings from releasing certain parole-eligible lifers with chronic disabilities, extreme old age, or even the need for hospice, while not eroding public safety. Maryland also needs to accomplish such goals with transparency, public accountability, and without unwarranted disparity.

This General Assembly can facilitate justice, fairness, and transparency by removing the ability of governors to impact the granting or withholding of parole for parole-eligible lifers, who have been expertly vetted and recommended for parole by either of the two applicable commissioners.

I therefore ask for your strong support of SB 202.

**SB202 - FAV - Carol Stern.pdf**

Uploaded by: Lloyd, Rianna

Position: FAV

February 3, 2021

Carol Stern  
Chevy Chase, MD 20815

**TESTIMONY IN SUPPORT OF SB202/HB3**  
**Correctional Services - Parole - Life Imprisonment**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Carol Stern

My name is Carol Stern from Chevy Chase, state district 16. **I am providing this testimony in support of SB202/HB3, Correctional Services - Parole - Life Imprisonment.**

In Jewish tradition, *teshuvah*, repentance, is a core principle. Jews believe that people can always repent from their mistakes and bad choices, and that society should be structured to encourage that process. Mass incarceration reform including parole reform and eliminating life without parole for juveniles are part of asking how our government can facilitate *teshuvah* and healing, rather than perpetuating cycles of incarceration.

In Maryland, the Governor has ultimate power in parole decision-making and it appears that juvenile lives have been used as political pawns by Governor's, who show their "tough on crime" credentials by never approving any juvenile lifers for parole. The fact that only three juvenile lifers have been paroled in over twenty-four years highlights the deeply flawed system Maryland currently has in place.

As a mother and grandmother, I am horrified at the idea of any juvenile being locked up without the possibility of rehabilitation, or *teshuvah*, repentance. Juvenile lifers should be allowed the possibility of rehabilitation because as mothers we know and have seen how decision making skills in our children increases with age. The possibility of rehabilitation should be provided from the Maryland Parole Commission, not from political calculations.

**I respectfully urge a favorable report on SB202/HB3**, which will be a step toward that more perfect world we must create together.

**SB202 - FAV - Samantha Blau - JUFJ.pdf**

Uploaded by: Lloyd, Rianna

Position: FAV

February 3, 2021

Samantha Blau  
Baltimore MD, 21224



**TESTIMONY IN SUPPORT OF SB202/HB3**  
**Correctional Services - Parole - Life Imprisonment**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Samantha Blau, on behalf of Jews United for Justice (JUF)

My name is Samantha Blau and I am a resident of Baltimore City in the 46th district. I am also a member of Jews United for Justice's (JUF) Baltimore Leadership Council. JUF organizes more than 5,500 Jewish Marylanders and allies in support of local campaigns for social, racial, and economic justice. I write to you to ask for your support of SB202/HB3, Correctional Services - Parole - Life Imprisonment.

Similar to law in The United States, Jewish law is a living document in which scholars are constantly trying to interpret and illuminate passages for meaning. Rabbi Yom Tov Asevilli left us commentary on the Talmud, our book of rabbinic laws, including his understanding of parole. He said that by lifting the sentence placed upon a person you allow them to do teshuvah, that is to turn to what is right. Teshuvah is an action that a person may take to choose what is right and good for themselves and others, and Rabbi Asevilli recognized that while under restriction or punishment a person was limited in that action. Teshuvah is a central tenet of Judaism - it is an action we are asked to take every year at Yom Kippur when we atone for our transgressions. People should have the opportunity to do the right thing.

Requiring the governor to issue final approval in the parole process is cruel and unusual, turning a person's opportunity for teshuvah into a political calculation. The decision to grant parole should only be determined by the Maryland Parole Commission. That way a thoughtful, justice and safety centered process could be conducted, rather than one which includes the political future of the governor in the calculation. **We respectfully urge the Judicial Proceedings Committee to offer a favorable report on SB202, so that it may become law.**

**Meadows - Written testimony SB202 SUPPORT.pdf**

Uploaded by: Meadows, Lila

Position: FAV

**To: Senate Judicial Proceedings Committee**  
**From: Lila Meadows & Leigh Goodmark, University of Maryland School of Law**  
**Date: February 3, 2020**  
**Re: Written testimony in support of Senate Bill 202**

The University of Maryland School of Law has several legal clinics that represent individuals sentenced to life in prison, including the Gender Violence Clinic, which represents criminalized survivors of violence who have been sentenced to excessive prison terms. The Gender Violence Clinic enthusiastically supports Senate Bill 202 and the effort to end the governor's involvement in our parole system.

For too long, decisions regarding release of individuals serving life sentences have been guided by politics instead of the legal criteria this body adopted regarding suitability for release on parole. Since Governor Glendenning declared "life means life" in 1995, only a handful of individuals have been released via the parole system, despite the Maryland Parole Commission's recommendation of many deserving cases. That Governor Hogan has released anyone at all is a departure from his democratic predecessors, and some say is evidence that this legislation is necessary. The opposite is true – the fact that release has turned on who sits in the State House is evidence that Maryland's parole process is unpredictable and arbitrary. Suitability for parole is determined by the statutes and regulations the Maryland Legislature has determined should govern release. Decisions about parole should be predictable based on whether an individual meets those conditions. Instead, we have a system that functions like executive clemency, where only a handful of individuals receive relief for reasons that are unclear to the individuals approved and denied as well as the public.

The Commission evaluates suitability for parole using a process that is long and arduous. Currently, lifers are considered for parole after serving a minimum of the equivalent of 15 years. Senate Bill 202 would raise that eligibility to 20 years, bringing eligibility in alignment with what is now the eligibility for second degree murder.

After reaching eligibility, individuals meet with two parole commissioners who assess suitability for parole by asking a series of questions about the underlying crime, an individual's conduct while incarcerated, and re-entry plans. Commissioners also consider impact statements made by victim representatives. In the clinic's experience representing clients, commissioners are especially focused on both the underlying nature of the crime and victim impact during parole hearings. Individuals who do not express sincere remorse or have not conformed to the rules of confinement are not able to move forward in the process. It's important to note that the Maryland Parole Commission is not what anyone would consider a defendant friendly body. Currently, more two thirds of the commission is made up of former law enforcement officers. It's safe to say that commissioners make recommendations only in cases that are the most deserving and pose the lowest risk for re-offense.

Determining a lifer's suitability for parole does not end with the parole hearing. Lifers who parole commissioners believe should advance in the process are recommended for a psychological risk assessment. It can take years to receive a risk assessment, and the process was on hold for almost a year due to COVID-19. Once a risk assessment is completed, the written report is sent back to the two commissioners who heard the client's case. If the report is unsatisfactory, the client is scheduled for a re-hearing at a later date. If the commissioners are satisfied with the report, the client is scheduled for what is referred to as an *en banc* hearing

**To: Senate Judicial Proceedings Committee**  
**From: Lila Meadows & Leigh Goodmark, University of Maryland School of Law**  
**Date: February 3, 2020**  
**Re: Written testimony in support of Senate Bill 202**

where the commission meets in its entirety. Candidates for parole must receive a majority vote from the commissioners in order to receive a recommendation for parole.

The Maryland Parole Commission expends significant time and resources to determine whether a candidate is suitable for parole. Throughout the process, lifers are considered by 10 separate commissioners and evaluated by a psychologist. The Governor's involvement in parole is not necessary to keep Marylanders safe. The governor's office offers no special expertise in vetting candidates for parole, and in fact has no staff primarily dedicated to doing so.

The governor's involvement in the parole system is about politics, and politics have no place in decisions regarding whether to restore someone's liberty. We encourage the committee to report favorably on Senate Bill 202.

*This testimony is submitted on behalf of Lila Meadows at the University of Maryland Carey School of Law and not on behalf of the School of Law; the University of Maryland, Baltimore; or the University of Maryland System.*

# **SB202 Parole Reform BCSAO Support.pdf**

Uploaded by: Mosby, Marilyn

Position: FAV



February 1, 2021

**SB202 - Support**

Senator Will Smith  
Chair, Judicial Proceedings  
Miller Senate Building  
11 Bladen Street  
Annapolis, MD 21401

**Re: Support for Correctional Services – Parole – Life Imprisonment**

Dear Chairman Smith and Committee Members:

As the State's Attorney for Baltimore City, I support Senate Bill 202 which seeks to eliminate the requirement that the parole of a person serving a parole-eligible life sentence in a state correctional facility or the Patuxent Institution be approved by the Governor.

I support and am advocating for parole reform. I am a firm believer that Maryland needs to depoliticize the parole process by removing the Governor from the equation and giving the final say on parole for individuals serving parole eligible life sentences with the Parole Commission. Currently, Maryland is only one of three states in the country that requires the Governor to personally approve parole for these individuals. The proposed legislation before you today is not aimed at the current administration, rather it is aimed at the parole process.

The Governor's current power to control the fate of a person's future, through parole rejection, significantly undermines recommendations made by the Parole Commission, ignores outcomes and low recidivism rates from those previously paroled or released under *Unger v. State*, and makes taxpayers responsible for the cost of excessively long stays of incarceration. More than 2,000 individuals are serving sentences of life with the possibility of parole, and nearly 300 whose offenses were committed at age 17 or younger.

Until the current administration, no parole recommendations made by the Parole Commission were approved by the previous four administrations. In 2011, the General Assembly did move to reform the parole process by requiring the Governor to act on Parole Commission decision within 180 days, however the administration at the time rejected the application of every case that came across the desk.

This legislation does not guarantee the release of any person. It simply makes it possible for people with parole eligible sentences to be released if the Parole Commission makes the decision to recommend them after extensive vetting – the way the system was designed to work.

For these reasons, I urge a favorable vote on Senate Bill 202.

Sincerely,

A handwritten signature in blue ink that reads "Marilyn J. Mosby".

Marilyn J. Mosby  
State's Attorney for Baltimore City

**O. Moyd Testimony - SB 202 - Lifer's Bill.pdf**

Uploaded by: Moyd, Esquire, Olinda

Position: FAV



**Testimony by Olinda Moyd, Esq.  
Before the Judicial Proceedings Committee  
Support – Governor Out of Parole Bill – SB 202**

We stand at the epicenter of countless systemic failures that have been magnified by this pandemic. Nowhere else is this more evident than in our legal system of punishment. Now is the time to correct the unfairness and inequalities in our criminal legal system, where justice is often aloof for the poor and for people of color. We all have an obligation to explore avenues to right the wrongs that have led to extreme sentences on the front end of our legal system. We must create meaningful opportunities and pathways for people to exit this system on the back end. Parole, which is supposed to be one avenue for release, has been a mere fantasy for many men and women serving life sentences. Despite having worked hard to transform their lives, the door has been shut in their faces because parole for lifers has become political.

I have practiced for decades as a prisoner's rights and parole attorney. When I began my legal career in 1985 at the National NAACP Office, I had the unique honor of installing one of the first NAACP Chapters behind the prison walls, at the Maryland State Penitentiary. It was there that I met many of the men serving life sentences in DOC. My volunteer activities in Maryland prisons have continued since then, as a teacher through the Coppin State University prison program, as a legal advisor to inmate self-help groups and currently as a supervisor of Georgetown Law Legal Research and Writing class in Jessup. What's astonishing is that many of the persons who I met 35 years ago still sit behind bars hanging on to the hope that one day they can be released onto parole. They are aging in prison, they are inflicted with chronic medical conditions related to aging and some have even succumbed to the COVID-19 virus while waiting.

**Do Not Change Life with Parole Sentence**

A sentence of *life with the possibility of parole* is a sentence that leaves room for hope. The sentence that was imposed by a Maryland court judge should not subsequently be switched into a *life without the possibility of parole sentence* due to the political climate. This is the defacto result when the door to parole is slammed in the faces of people serving life sentences. This is not what the judge intended at the time of sentencing. Even Governor Glendening admitted that his statement "life means life" made parole for lifers more political than it should be. It is time for this to change.

## **Maryland Parole Commission Decision-Making Process**

The Maryland Parole Commission should be trusted to make parole decisions for lifers just like they do in all other cases. These individuals develop an expertise and thoroughness in carefully considering the statutory factors – circumstances surrounding the crime; the physical, mental and moral qualification of the inmate; the progress of the inmate during confinement; a drug and alcohol report; a risk assessment score; an updated victim impact statement; transcripts from the court at time of sentencing; etc - for parole review in each case. They conduct hearings routinely and have developed the skill to be objective and deliberate in their decision-making process. Maryland tax dollars pay for them to do their job and there is no reason why they should not be trusted to use this same level of expertise in making parole decisions for lifers. I have conducted only a few parole hearing before the Maryland Parole Commission, but have spent the last 17 years of my career as a managing attorney practicing before the U.S. Parole Commission, so I know the power that paroling authorities yield. I am also a member of the Association of Paroling Authorities International, Inc. and I know first-hand, how serious parole boards take their decision-making responsibilities.

## **Lifer's are Aging and Dying Population Amid COVID**

The impact of an aging prison population can be devastating on the aging individuals and on the institutional infrastructure. The average age for persons serving life sentences in Maryland is 60 years old – 400 of the 2000 Marylanders serving sentences of life with the possibility of parole fit into this category. I have witnessed these men and women age inside these cages with limited medical resources and I see first-hand the toll that aging in prison takes on their physical and mental beings. The average length of time that most of them have served is 25 years. Furthermore, the physical infrastructure of DOC cannot adequately house aging prisoners. Aging prisoners require lower bunks or handicapped-accessible cells for those who have limited mobility and have difficulties navigating institutions with uneven terrain, narrow sidewalks and no elevators. Let's also remember that although these individuals were not issued death sentences, many Maryland lifers have died in prison while awaiting parole. As chairman of the Behind the Walls Workgroup with the Maryland Alliance for Justice Reform, I read the letters from these men and women weekly and many of them have tested positive and they are afraid of dying from COVID-19.

## **Lessons Taught by Unger Releases**

The research and experiences of the Unger group of men and women have provided guidance on what parole looks like for Maryland lifers. The lifers who have been released in recent years pose a low risk of recidivism and have returned to the community without compromising public safety and many are influencing the community in a positive way just because they were given a second chance at parole (based on court decision).

We are asking that every person serving a life with the possibility of parole sentence be given a meaningful opportunity for parole that fosters hope. Please vote to pass this bill, in order to restore hope and open the pathway for persons who have transformed their lives to exit this system.

Thank you.

Olinda Moyd, Esq.  
Maryland Alliance for Justice Reform  
[moydlaw@yahoo.com](mailto:moydlaw@yahoo.com)

# **JLAC Testimony - SB 202.pdf**

Uploaded by: Saccenti, Brian

Position: FAV

## Written Testimony in Support of Senate Bill 202

February 1, 2021

*Submitted by Samuel R. Boden, Andrew R. Hall, and Natalie A. Lucas, student attorneys in the Juvenile Lifer Advocacy Clinic at the University of Maryland Carey School of Law, under the supervision of adjunct professor Brian Saccenti.*

We write to strongly support the legislation that will remove the governor from the parole-review process for people serving life sentences with the possibility of parole. The parole commissioners are completely entrusted with independent parole review of all other parole-eligible sentences. Maryland is one of only three states in the nation that require the governor to approve parole for people sentenced to life. This approach is incorrect and unjust for two reasons. First, requiring executive approval of parole determinations simply serves to politicize the process. Second, in pursuit of a just and transparent criminal system, the legislature should seek to uphold truth in sentencing by providing a meaningful opportunity for people serving a life sentence to obtain release through parole. This can only be done if the governor is removed from the process.

As it currently stands, the governor has the power to veto a parole determination made by the very parole commissioners whom he has appointed. Thus, he has the power to deny the opportunity for a second chance that is inherent in a life with parole sentence, and which induces many defendants to plead guilty. In light of the governor's power to appoint the parole commissioners and the expertise that the commissioners develop, the governor's veto authority over that commission's decisions is redundant and inefficient. The COVID-19 pandemic highlights another problem with this system. The governor should be free to focus his energy on big-picture policy making to deal with the pandemic, the economy, and other crises and issues that affect the lives of all Marylanders. He should not be engaging in the deep and individualized analysis required to make parole decisions.

The governor's power under the current system also fosters distrust and undermines the goals of our criminal justice system. The possibility of parole offers a powerful incentive for incarcerated individuals to behave appropriately. Maryland's current system weakens these incentives by injecting a random variable—the governor's politics—that can render an inmate's efforts at rehabilitation meaningless to their chances of being released on parole.

Further, the arbitrariness resulting from the governor's role makes the process fundamentally unfair. Since *Graham v. Florida*, the Supreme Court has made it clear that states must provide nearly all juvenile lifers with "a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation." 560 U.S. 48 (2010). But this promise should not be restricted to juveniles. The state's promise of parole should mean a promise of the same meaningful opportunity for release, regardless of the age of the incarcerated individual.

The governor's involvement has removed meaningful opportunities for prisoners to obtain release. There was virtually no parole granted for people sentenced to life with parole between 1995 and

2016.<sup>1</sup> Governor Hogan’s recent decisions to allow certain lifers to be released on parole, while commendable, illustrates the dysfunction of the current system. Likelihood of parole should not depend on the extent to which a particular governor feels political pressure to appear “tough on crime.” Two people incarcerated for the same crime should not face vastly different parole prospects based on whomever occupies Maryland’s highest office.

SB 202 offers a meaningful step towards fairness for Maryland lifers by removing an unnecessary barrier to release. The recent movement for Black lives has made SB 202 even more timely and important. In Maryland, 70% of prisoners and 77% of juvenile lifers are Black, while only about 30% of the state’s population is Black.<sup>2</sup> The state owes a meaningful opportunity for release to all those it promised a chance. Without the passage of SB 202, incarcerated individuals and their families are forced to hold onto the hope of release, while in reality, a governor’s personal philosophy and political ambition could keep those who were promised a meaningful opportunity at parole in cages until they die. For these reasons, we respectfully urge the Committee to issue a favorable report on SB 202.

*This testimony is submitted on behalf of the Juvenile Lifer Advocacy Clinic at the University of Maryland Carey School of Law and not on behalf of the School of Law; the University of Maryland, Baltimore; or the University of Maryland System.*

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<sup>1</sup> Ann E. Marimow & Erin Cox, *Gov. Larry Hogan granted parole to people sentenced as teenagers, rekindling calls for parole reform*, The Washington Post (Nov. 30, 2019), [https://www.washingtonpost.com/local/legal-issues/gov-larry-hogan-granted-parole-to-people-sentenced-as-teenagers-rekindling-calls-for-parole-reform/2019/11/30/015d788c-107d-11ea-9cd7-a1becbc82f5e\\_story.html](https://www.washingtonpost.com/local/legal-issues/gov-larry-hogan-granted-parole-to-people-sentenced-as-teenagers-rekindling-calls-for-parole-reform/2019/11/30/015d788c-107d-11ea-9cd7-a1becbc82f5e_story.html).

<sup>2</sup> *Still Blocking the Exit*, [https://www.aclu-md.org/sites/default/files/field\\_documents/stillblockingtheexit\\_final.pdf](https://www.aclu-md.org/sites/default/files/field_documents/stillblockingtheexit_final.pdf).

**OPD Testimony - SB 202.pdf**

Uploaded by: Saccenti, Brian

Position: FAV



## POSITION ON PROPOSED LEGISLATION

BILL: Senate Bill 202  
POSITION: Support  
DATE: February 1, 2021

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 202.

Senate Bill 202 removes the Governor from the parole process for people serving life sentences, and places the responsibility for making this decision where it belongs – with the Maryland Parole Commission. The Commissioners care deeply about public safety. More than half of the current Commissioners are former police officers or sheriff’s deputies. By virtue of doing this work full-time, Commissioners develop expertise and have time to devote to cases that a governor simply does not have. Nor is it wise public policy to require our Governor and his staff to spend their valuable time second-guessing these experts on individual cases when that time would be much better spent on the myriad other big picture issues that cross his desk – like the ongoing pandemic.

This bill is not a referendum on Governor Hogan’s approach to parole. Variations of this bill have been offered for at least the last ten years. The original impetus was the fact that Governor Hogan’s predecessors flatly rejected nearly every recommendation, resulting in virtually no lifers being paroled for more than 20 years. To his credit, Governor Hogan has taken a different approach and allowed a significant number of lifers to be paroled. But there is absolutely no reason to believe that his successor will be any more willing to uphold the Parole Commission’s decisions to release lifers than his last three predecessors.

When a judge sentences a person to life with the possibility of parole, basic fairness demands that this possibility be a meaningful one. Whether a lifer gets paroled ought to depend on whether they have earned that second chance, not on who happens to be the governor at the time.

*For further information please contact Brian Saccenti, Chief Attorney, Appellate Division, by email at [brian.saccanti@maryland.gov](mailto:brian.saccanti@maryland.gov) or by phone at 410-206-3225.*

\* \* \*

For these reasons, the Maryland Office of the Public Defender urges a favorable report on Senate Bill 202.

# **TPM SB202 Support.pdf**

Uploaded by: Syrrakos, Holly

Position: FAV



## **SB 202 – SUPPORT CORRECTIONAL SERVICES – PAROLE – LIFE IMPRISONMENT**

Senate Judicial Proceedings Committee

*Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:*

Takoma Park Mobilization is a grassroots organization with 2,300 members that advocates at every level of government, to ensure equal treatment and justice for all. We are in SUPPORT of SB 202.

SB 202 eliminates the governor's approval requirement for parole recommendations of life-sentenced prisoners by the Maryland Parole Commission (MPC) who have served 20 years in prison. Maryland's governor is one of only three in the country with a final say about parole.

The excessively lengthy incarceration of persons sentenced to life in prison has extracted a high toll in communities of color and harms all Marylanders as it is counterproductive, costly, and inhumane. In 2018, the Justice Policy Institute reported that more than 70% of the state prison population is Black, even though Black people are only 31% of the state's population. African Americans account for 82% of those with the longest prison terms.

Studies of recidivism rates among those sentenced to life suggest that returns to prison for a new offense are relatively low. Under the *Unger v. Maryland* decision, more than 250 Maryland residents successfully reentered the community following long prison terms.

This calls into question the accuracy of public safety arguments in support of lengthy terms of imprisonment. A 2011 California-based study tracked 860 people convicted of homicide and sentenced to life, all of whom were paroled beginning in 1995. In the years since their release, only five individuals (less than 1%) were returned to prison or jail because of new felonies. The *Unger* releasees have a reported 3% recidivism rate which is substantially lower than the 40% recidivism rate for others released from Maryland prisons.

SB 202 helps to address the imbalance in Maryland's sentencing policy while maintaining public safety. This bill does not guarantee release, rather it streamlines the process to improve efficiency. HB 3 recognizes the leadership and expertise of parole board members whose membership includes those with a background in corrections or relevant social services in order to best assess suitability for release.

This is not a partisan issue. Elected officials are notoriously reluctant to advocate on behalf of the incarcerated. Parole for those sentenced to life in prison has become almost nonexistent in Maryland since 1995, when Gov. Parris N. Glendening instituted his "life means life" policy—one he later disavowed.

In the past year we have witnessed a demand for racial justice; for a re-thinking of our criminal justice and policing policies. Maryland is out of step with most of the country and now we have an opportunity to make real change at the state level, to offer the potential for rehabilitation and to re-integrate people into their communities. We should not wait.

**We urge a favorable report on SB 202.**

*Submitted for Takoma Park Mobilization by Holly Syrrakos, [hollyrockus@gmail.com](mailto:hollyrockus@gmail.com),  
301-312-2525  
February 1, 2021*

**WDC 2021 Testimony SB202\_FINAL.pdf**

Uploaded by: Tomasello, Beth

Position: FAV



MONTGOMERY COUNTY, MARYLAND  
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

[www.womensdemocraticclub.org](http://www.womensdemocraticclub.org)

**SB0202**  
**Correctional Services – Parole - Life Imprisonment**  
**Judicial Proceedings Committee – February 3, 2021**  
**SUPPORT**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2021 legislative session. WDC is one of the largest and most active Democratic Clubs in our County with hundreds of politically active women and men, including many elected officials.

WDC urges the passage of SB202 to remove the Governor from the process of granting parole to those serving life sentences in the State. It is a matter of fair application of our parole laws and efficient use of our resources.

Since Governor Glendening uttered his infamous phrase in 1995 that “life means life” and with those few words converted life sentences to life without parole, precious few lifers have been paroled. Those who have been released were primarily released by Governor Larry Hogan, who did so in part due to pressure from lawsuits challenging the *de facto* life without parole sentences that child offenders were serving.<sup>1</sup>

A little over a year ago, Governor Larry Hogan granted parole to three lifers convicted as children. It was the first time in 24 years that any child offender serving a life sentence was granted parole, even though the Supreme Court held in 2012 that sentencing a minor to life without the possibility of parole was cruel and unusual punishment and therefore unconstitutional. Still, approximately 300 lifers convicted as children sit in our prisons, or about fifteen percent of the 2000 lifers in the state's prison. Most of these lifers are Black.

The Maryland Parole Commission (MPC) is the administrative agency charged with determining whether persons incarcerated and serving sentences of six months or more are suitable for release. For those serving life sentences, they do this assessment with painstaking and often confounding deliberation. Ten commissioners and related staff serve this function, with an overall budget of \$6,455,473, as reported in 2018.<sup>2</sup> Yet, when this agency has completed its lengthy series of reviews and, all too infrequently, determined that parole is appropriate for a lifer, the Governor's legal office steps in to conduct its own review – and usually decides that parole is not appropriate.

Knowing that the Governor is likely to deny parole recommendations inevitably has its impact on the work of the MPC. Routine gubernatorial denials of parole recommendations that come after the MPC's lengthy review makes the reviews even more stringent as commissioners try to gauge what might possibly satisfy the Governor.

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<sup>1</sup> In *Carter v. State*, 461 Md. 295 (2018) the plaintiffs argued that life sentences in Maryland were de facto life without parole sentences and that this was unconstitutional as applied to juvenile lifers. The juvenile factors adopted by the Governor during the litigation helped the court to conclude that there was opportunity for parole. Still pending in US District Court is Maryland Restorative Justice Initiative et al. v. Hogan et al., Civil No.: ELH-16-1021 (filed April 2016) which argues that Maryland continues to fall short of what the *Miller* line of Supreme Court cases require. See *Miller v. Alabama*, 567 U.S. 460 (2012) (finding that to be consistent with the 8<sup>th</sup> Amendment of the Constitution, a sentence of life without parole for a child offender convicted of homicide requires an individualized finding that the person is one of those rare children who are incorrigible).

<sup>2</sup> The Maryland Parole Commission Fiscal Year 2018 Annual Report,



MONTGOMERY COUNTY, MARYLAND  
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

[www.womensdemocraticclub.org](http://www.womensdemocraticclub.org)

What does the Governor add to the parole process? The Governor has argued that he takes this task seriously and that he carefully considers each case. He has also argued that his ability to second guess the MPC's recommendations fosters greater accountability because he is directly accountable to the voters. Thus, his input is a political calculus arguably intended to protect his image as a governor who is tough on crime. It has no place in an analysis that should be based solely on demonstrated readiness for release. Parole evaluations belong with the Maryland Parole Commission, the agency designed and funded to do the job. It is not a laudable or efficient use of time and resources for the Governor to engage in this redundancy. It is also not laudable or efficient that incarcerated citizens remain in prison longer than they deserve. This comes at a great personal cost to prisoners and at great fiscal cost to Maryland's taxpayers.

At a time when this state is being asked to move past a history of racism in so many aspects of our criminal system, addressing the disturbing rate of Black incarceration is an important part of our efforts to achieve change. Maryland has the unenviable distinction of leading the nation in the incarceration of Black men.<sup>3</sup> Part of this is attributable to lengthy sentences and grim parole possibilities. One step in the right direction is to remove the Governor from the parole process. We are one of only three states that politicizes parole in this way; none of the other forty-seven involve their governors in such decisions.

For far too long, governors in Maryland have converted life sentences to life without parole and generally distorted parole for lifers. We urge you to put the State on the right track by fixing this aspect of what has given Maryland its shameful national leadership in the unremitting incarceration of its Black citizens.

**We ask for your support for SB202 and strongly urge a favorable Committee report.**

Respectfully,

Diana Conway  
President

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<sup>3</sup> According to the Justice Policy Institute,

- In July 2018, more than 70% of MD's prison pop. was Black; though only 31% of the state population.
- Maryland leads the country in racial disparity among those serving long prison terms. More than 70 percent of people in Maryland prisons and nearly eight in 10 people in prison who have served 10 years or more are Black.
- Among those people serving the longest prison terms (the longest 10 percent), half had been incarcerated as emerging adults and 82 percent are black. Of those serving 10 or more years, 41 percent are Black men who were sentenced as emerging adults (18-24).
- This incarceration rate is more than double the national average of 32%
- 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.

**SB0202\_FAV\_Lomax.pdf**

Uploaded by: Traore, Jene

Position: FAV



**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](mailto:Waltermandalalomax@hotmail.com)  
[Mrji4phases2006@gmail.com](mailto:Mrji4phases2006@gmail.com) [mrji4phases@yahoo.com](mailto:mrji4phases@yahoo.com)  
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443-413-6076

# **SB202 Parole Life Imprisonment Letter of Oppositio**

Uploaded by: Baranauskas, Anthony

Position: UNF



## GOVERNOR'S COORDINATING OFFICES

Community Initiatives · Service & Volunteerism · Performance Improvement  
Crime Prevention, Youth, & Victim Services · Small, Minority, & Women Business Affairs  
Banneker-Douglass Museum · Volunteer Maryland · Deaf & Hard of Hearing

### FROM THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES

Chair Smith, Vice-Chair Waldstreicher, and Members of the Judicial Proceedings Committee  
Senate Judicial Proceedings Committee  
2 East  
Miller Senate Building  
Annapolis, Maryland 21401

February 3, 2021

### **Senate Bill 202: Correctional Services- Parole- Life Imprisonment**

#### **Position: Oppose**

Dear Chair Smith, Vice-Chair Waldstreicher, and Members of the Judicial Proceedings Committee:

The Governor's Office of Crime Prevention, Youth, and Victim Services is providing this letter of opposition towards Senate Bill 202: Correctional Services- Parole- Life Imprisonment

Senate Bill 202 makes alterations to the existing parole process in Maryland. Under current law, the Maryland Parole Commission has the power to authorize the parole of an inmate in Maryland. Following a recommendation by the Parole Commission, the Governor has the ability to approve or disapprove of the recommendation to grant parole.

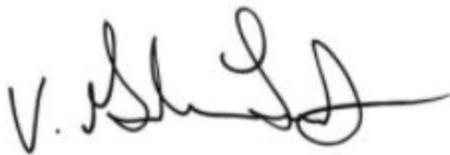
An individual who is sentenced to a term of incarceration is entitled to a parole hearing after serving one-fourth of the term. However, if a person is serving a sentence for a third or subsequent felony drug crime, or for a crime of violence, the individual is not eligible for parole consideration until the person has served 15 years. If the individual is sentenced to life imprisonment for first degree murder, the person is not eligible for parole until the person has served 25 years.

Senate Bill 2020 creates new statutory provision for parole for convictions of crimes committed after October 1, 2021. Under this new provision, individuals who are sentenced to life imprisonment would be eligible for parole after 20 years. Additionally, SB 202 removes the Governor's ability to approve/disapprove the recommendation for parole made by the Maryland Parole Commission.

Article II, Section 20 of the Maryland Constitution gives the Governor the power to grant reprieves and pardons for offenses against the state. Senate Bill 202 interferes with the Chief Executive's ability to carry out this power designated to the office. Violent offenders who are sentenced to life imprisonment would be able to be paroled without the approval of the Governor. Allowing the Governor to review the final recommendations of the Parole Commission is an important safeguard to releasing criminals who have been sentenced to life imprisonment.

For reasons stated above, the Governor's Office of Crime Prevention, Youth, and Victim Services oppose Senate Bill 202.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Glenn Fueston, Jr.", written in a cursive style.

V. Glenn Fueston, Jr.  
Executive Director  
Governor's Office of Crime Prevention, Youth, and Victim Services

For all inquiries, please contact

Andy Baranauskas, Legislative Affairs Manager  
410-855-2538  
[Anthony.Baranauskas@maryland.gov](mailto:Anthony.Baranauskas@maryland.gov)

**SB 202\_Erin Chase\_Gov Office\_OPPOSE.pdf**

Uploaded by: Chase, Erin

Position: UNF



LARRY HOGAN  
GOVERNOR

STATE HOUSE  
100 STATE CIRCLE  
ANNAPOLIS, MARYLAND 21401-1925  
(410) 974-3901  
(TOLL FREE) 1-800-811-8336

TTY USERS CALL VIA MD RELAY

February 3, 2021

Chair William C. Smith, Jr  
Vice Chair Jeff Waldstreicher  
Members of the Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

## Senate Bill 202 – Correctional Services – Parole – Life Imprisonment

### POSITION: Oppose

Dear Chair Smith, Vice Chair Waldstreicher, Members of the Committee:

I am writing to you to provide information about and to respectfully oppose Senate Bill 202. This bill would remove the Governor's oversight of the Maryland State Parole Commission's decisions to parole those who are sentenced to life imprisonment.

1. Governor Hogan's approval of paroles and commutations. Governor Hogan takes his executive parole and clemency responsibilities very seriously. During his term, Governor Hogan has paroled 26 people serving life sentences, either by approving the parole or allowing it to go into effect by not taking action. He has also approved or allowed eight medical paroles to individuals serving life sentences. In addition, the Governor has now commuted life sentences of 22 inmates, resulting in early release from incarceration. There is no reasonable justification for removing gubernatorial oversight from the parole process at this point given the diligent and proper consideration that Governor Hogan has given these matters. During the course of eight years, the prior governor granted two medical paroles and three commutations.

2. Current arrangement provides important accountability for Marylanders. The Governor's oversight duty in the current system makes policy on these sensitive issues responsive to the people. One elected official is accountable to the voters for the parole of offenders who committed heinous murders and attempted murders. An appointed group such as the Parole Commission is less accountable for its exercise of such authority than the Governor.

3. Governor Hogan, the Department of Public Safety and Correctional Services, and the Parole Commission have been working to improve the parole process. The State has settled litigation in the U.S. District Court for

the District of Maryland involving certain parole issues for inmates who were sentenced to life imprisonment for crimes committed when they were juveniles.

The Hogan Administration, its Department of Public Safety and Correctional Services, and the Parole Commission have been continuously working to improve the system for all inmates with life sentences in a number of important ways.

First, the Parole Commission has adopted regulations to ensure that its existing practices are consistent with recent U.S. Supreme Court and other federal-court decisions, expressly providing that parole authorities are to consider a juvenile offender's age at the time of the crime, demonstrated maturity, and subsequent rehabilitation to assure they have some meaningful opportunity to obtain release.

Second, Executive Order 01.01.2018.06 now provides that the Governor will consider all applicable statutory and regulatory factors in making parole decisions.

Third, the Parole Commission's process for psychiatric evaluations of inmates recommended for parole has been streamlined to make the assessments more convenient and timely scheduled.

Lastly, the Division of Correction is creating better opportunities for inmates with life sentences to achieve lower security classifications, which in turn will provide them with more and better opportunities to demonstrate rehabilitation, making parole more likely.

All of this is by way of explanation that Governor Hogan is actively concerned about these issues, takes his powers and duties seriously, and is diligently implementing practical reforms to provide suitable parole candidates with a meaningful opportunity for release.

For these reasons, we respectfully urge the Committee to issue an unfavorable report on Senate Bill 202. If you have any questions, please contact Erin Chase, Governor's Office, at 410-974-3336 or [erin.chase1@maryland.gov](mailto:erin.chase1@maryland.gov)

# **SB 202 - Parole - Life Imprisonment.pdf**

Uploaded by: Shellenberger, Scott

Position: UNF

Bill Number: SB 202  
Scott D. Shellenberger, State's Attorney for Baltimore County  
Opposed

**WRITTEN TESTIMONY OF SCOTT SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY, IN**  
**OPPOSITION TO SENATE BILL 202,**  
**CORRECTIONAL SERVICES - PAROLE**  
**LIFE IMPRISONMENT**

I write in opposition of Senate Bill 202 which would remove the Governor from the decision on whether or not to grant parole to those serving a life sentence.

I view the need for the Governor to sign off on the parole of a "lifer" as a way of making sure that the person who makes the weighty decision of when a lifer is released, is a person directly accountable to the citizens of this State. In addition, since the Parole Board is an agency of the Executive Branch should not the Chief Executive of that branch have the final say when it comes to lifers?

In Maryland, a defendant can receive a life sentence for first degree murder, first degree rape, and first degree sex offense. In reality, few defendants receive this sentence and, therefore, it is usually imposed for a basic and very good reason - it was the appropriate punishment for an outrageous crime that was committed. That crime typically is first degree murder. The Defendants we are talking about today are the worst of the worst.

As the State's Attorney for Baltimore County, every day my Assistants and I are asked by the victims of crime, "How much of the sentence just imposed will the defendant actually have to serve?" We can never answer that question because Maryland does not have truth in sentencing. Between the accumulation of good time credits, diminution credits and parole eligibility, how long a defendant will actually spend in jail is a mystery. In fact, the Federal system has already recognized this shortcoming and does not have any parole at all. At least when it came to a life sentence for first degree murder, I have been able to look into the eyes of the victim's family members and say, "life means life" in this State, unless the Governor approves of the release. Since 1995, it has brought great solace to the surviving family members. If the Legislature passes Senate Bill 202, which would remove the Governor from the process, I will not even be able to say "life means life" for murder, unless the Governor says otherwise.

Please remember there are already actions that you have taken that have improved this area of the law. In 2011, you passed a law that says the Governor cannot handle the Parole Board's recommendations on lifers by inaction. Now a Governor must affirmatively do something within 180 days or the decision of the Parole Board

goes into effect. That was a good move. Before that, many Governors just ignored the parole decision.

In addition, because of the Court of Appeals ruling in Unger there are approximately 250 lifers, whose sentences date back to the 1970's and early 1980's, who have gotten new trials and to my knowledge, most have been released.

Because of the Supreme Court's rulings in Miller and Montgomery, the Maryland Parole Commission has decided to give each of the 270 lifers who committed their crimes when they were a juvenile, a parole hearing. At this parole hearing the Commission will consider the factors the Supreme Court outlined in the Miller case. Miller created tough standards that must be met. Therefore, another group of lifers are having their cases reviewed.

Action taken by Governor Ehrlich started some parole of lifers. Governor Hogan has paroled 26 people serving life sentences whether by approving parole or allowing it to go into effect. He has commuted the sentences of 22 inmates serving life and granted medical parole to 7. This means life does not always mean life. This means the current system is working. The Governor's office regularly reaches out to me to ask for my offices' opinion on lifers that they are considering. In fact, Governor Hogan's Administration takes these investigations quite seriously. I am always asked about the facts of old cases from the 1980's and 1990's and I know my fellow State's Attorneys are responding to the same requests.

In addition to this, Governor Hogan has issued an executive order requiring that holders of this office consider additional factors in determining whether to grant parole for a juvenile offender, including the person's age at the time the crime was committed, the "lesser culpability of juvenile offenders as compared to adult offenders," and the degree to which the individual has matured and demonstrated rehabilitation since the crime.

Senate Bill 202 does increase the first parole hearing eligibility from 15 years to 20 years which is an improvement over the current system. Yet this is not enough. It makes no sense that if you get 40 years for second degree murder, you get a parole hearing at 20 years less good time credits.

That means a Defendant serving life for 1<sup>st</sup> Degree Murder gets a parole hearing at approximately 17 years in and so does a Defendant serving 40 years for 2<sup>nd</sup> degree murder. These hearing dates should be different to reflect the length of the sentence and the seriousness of the crime.

Let's ensure that when paroling the most serious offenders, the person making this decision is a person who is accountable to the citizens of this state. When the Governor respects the will of the people in this most weighty of decisions true justice is served.

Please give Senate Bill 202 an unfavorable report.