



**Testimony by Olinda Moyd, Esq.
Before the House Judiciary Committee
Support – Governor Out of Parole Bill – HB 003**

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

P.O. Box 1482

Bowie, MD 20717