

HB920 - Geriatric and Medical Parole.pdf

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Position: FAV



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To: Members of The House Judiciary Committee

From: Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

Date: February 18, 2022

Subject: **HB920 – Correctional Services – Medical Parole – Life Imprisonment**

Position: **Support**

The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports HB920 – Correctional Services – Medical Parole – Life Imprisonment.**

This bill removes the Governor from the approval process for medical parole. It closes a gap left by last year's adoption of legislation that removed the Governor from other decisions.

The growing number of inmates in the state penal system who are in need of a high degree of medical care poses continuing problems for the State. Removing an obstacle that can prevent the release of inmates who need care and who no longer pose a danger to the public is a wise action.

For the reasons stated, we **Support HB920 – Correctional Services – Medical Parole – Life Imprisonment.**

If you have questions about the position of the Criminal Law and Practice Section's Legislative Committee, please feel free to address them to me at 240-606-1298 or at doyleniemann@verizon.net.

MOPD Favorable HB 0920.pdf

Uploaded by: Elizabeth Hilliard

Position: FAV



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POSITION ON PROPOSED LEGISLATION

BILL: HB 920 - Correctional Services - Medical Parole - Life Imprisonment

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 2/18/2022

The Maryland Office of the Public Defender respectfully requests that this Committee issue a favorable report on House Bill 920.

Last year, the General Assembly voted to remove the Governor from parole for people serving life sentences ([SB 202](#)). The Governor vetoed this bill, but that veto was overridden during the 2021 Special Session. This was a critical step towards improving Maryland's broken parole system. **We are incredibly grateful to all who worked to ensure the passage of this important legislation, which helps depoliticize parole.**

The bill's intent was to remove the Governor from all lifer cases. However, the section of the code pertaining to medical parole was inadvertently omitted from the bill draft. Unfortunately, this left an unintentional loophole resulting in the situation where *only* medical parole cases now require gubernatorial action.

The only thing House Bill 920 does is correct this error by striking the line of text requiring the Governor to approve medical parole for people serving life sentences. It does not make any other change.

This fix is particularly important due to the need for medical parole applications to be evaluated expeditiously. Medical parole is often sought by persons experiencing rapidly deteriorating, fatal medical conditions. Thus, the need for the Parole Commission to be able to act with immediacy is arguably most critical in these circumstances.

For these reasons, we urge this Committee to issue a favorable report for House Bill 920.

Submitted By: Maryland Office of the Public Defender, Government Relations Division.

Maryland Office of the Public Defender, Government Relations Division, 45 Calvert St, Suite 108, Annapolis MD 21401
For further information please contact Krystal Williams, krystal.williams@maryland.gov 443-908-0241; Elizabeth Hilliard, Elizabeth.hilliard@maryland.gov 443-507-8414

MD Catholic Conference_FAV_HB 920.pdf

Uploaded by: Garrett O'Day

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

February 22, 2022

**HB 920
Correctional Services – Medical Parole – Life Imprisonment**

House Judiciary Committee

Position: Support

The Maryland Catholic Conference offers this testimony in SUPPORT of House Bill 920. The Catholic Conference represents the public policy interests of the three (arch)dioceses serving Maryland, including the Archdioceses of Baltimore and Washington and the Diocese of Wilmington, which together encompass over one million Marylanders.

House Bill 920 would very simply expand access to medical parole for those serving life sentences. It would place within the purview of the parole commission to make the ultimate decision of granting medical parole to an inmate serving a life sentence.

The Catholic Church roots much of its social justice teaching in the inherent dignity of every human person and the principals of forgiveness, redemption and restoration. Catholic doctrine provides that the criminal justice system should serve three principal purposes: (1) the preservation and protection of the common good of society, (2) the restoration of public order, and (3) the restoration or conversion of the offender. Thus, the Church recognizes the importance of striking a balance between protecting the common good and attentiveness to the rehabilitation of the incarcerated.

The United States Conference of Catholic Bishops has stated that “Abandoning the parole system, as some states have done, combined with the absence of a clear commitment to rehabilitation programs within prisons, turns prisons into warehouses where inmates grow old, without hope, their lives wasted.” (*Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, USCCB, 2000) Pope Francis has also expressly labeled life imprisonment a “hidden death penalty”. (Address to the International Association of Penal Law, Oct. 2014)

Those serving sentences of life without parole are already subject to a lessened sense of hope and, thus, a more limited prospect of a restored life outside of prison. There is thus less incentive for the restoration and rehabilitation that should be inherent in systems of justice.

States should provide a greater degree of care for inmates who are elderly and/or suffering from debilitating medical conditions without access to proper care. This includes providing for their release to the community where warranted and where public safety is not a factor. Thus, the Maryland Catholic Conference urges a favorable report on House Bill 920.

HB920 Medical Parole Testimony LMeadows.pdf

Uploaded by: Lila Meadows

Position: FAV

To: House Judiciary Committee
From: Lila Meadows, University of Maryland School of Law Clinical Law Program, 500 W. Baltimore Street, Baltimore, Maryland 21201
Re: In SUPPORT of House Bill 920
Date: February 22, 2022

Last legislative session the General Assembly took the historic and long overdue step of depoliticizing Maryland's parole process for lifers by removing the governor as the final decision maker. Unfortunately, due to an oversight in drafting, that change did not apply to Maryland's medical parole scheme. Under Maryland Code Correctional Services 7-305, the governor remains as the final decision maker for those who are serving life sentences and seeking medical parole. Medical parole exists to provide consideration for individuals who are either terminally ill or so chronically debilitated that their condition renders them unable to pose any threat to public safety. In addition to considering an individual's medical condition, the Maryland Parole Commission is required by the statute to consider traditional parole criteria in its determinations, including the circumstances of the underlying conviction and any future threat to public safety. The Commission is still required to complete victim notification and consider any position victims take on potential release. Medical parole in no way circumvents the public safety considerations of the regular parole process, but instead provides additional criteria for the Commission to consider related to an individual's medical condition.

Removing the governor from the medical parole process is entirely consistent with the steps the General Assembly took last legislative session. The governor's involvement in medical parole decisions is completely unnecessary to ensure public safety, and in fact, makes it more likely that the most vulnerable incarcerated men and women will die in prison because the governor's involvement significantly delays decisions related to release.

In 2020, as the pandemic spread through correctional institutions and threatened the well-being of incarcerated individuals who were already battling serious medical conditions, I sought medical parole for a client who was suffering from an advanced stage of cancer and required weekly care from an outside medical institution. Staffing shortages and isolation protocols during that time resulted in my client missing many of the necessary scheduled treatments at that outside medical center. It took the Maryland Parole Commission six weeks to consider our request for medical parole, which was finally sent to the Governor for his consideration. Despite our efforts to communicate with the governor's team to advocate for our client's release, we received no update on the case and had no reason to believe the office was approaching the issue with any urgency. Thankfully, three months later, with the support of that county's State's Attorney's Office, we were successful securing the client's release through an emergency motion filed with the court. In another case I handled in 2020, the client was hospitalized in an off-site location after suffering an amputation, heart attack, and what was likely an aneurysm. He was not serving a life sentence, and after several weeks of consideration, the Maryland Parole Commission granted medical parole. He died just days later in a medical facility. Had the Governor's approval been required for that client, he would have died in prison.

Removing the governor from medical parole considerations for individuals serving life sentences is not only consistent with this body's prior actions, but also the humane and just thing to do. I urge your support for House Bill 920.

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

HB920_ACLUMD_FAV_SPACCASI.pdf

Uploaded by: Olivia Spaccasi

Position: FAV



Testimony for the House Judiciary Committee

February 22, 2022

HB 920 - Correctional Services - Medical Parole - Life Imprisonment

FAVORABLE

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The ACLU of Maryland urges a favorable report on HB 920, which would eliminate the need for gubernatorial approval of medical parole for inmates serving life imprisonment sentences, creating needed uniformity between the medical parole process and all other parole processes.

Last year, the General Assembly voted to remove the Governor from parole for people serving life sentences. We are grateful to all who worked to ensure the passage of this important legislation, which helps to depoliticize parole.

It was clearly the legislature's intent was to remove the Governor from all parole decisions for individuals sentenced to life imprisonment. However, the section of the code pertaining to medical parole was omitted from the bill draft, resulting in a situation where only medical parole cases require gubernatorial action. This legislation would simply correct that omission.

As a result of this error, medical parole decisions are still subject to a waiting period of up to almost 6 months. The need for the Parole Commission to be able to act expeditiously is arguably most critical in those cases where the parole candidate is seriously ill or dying.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on HB 920.

JPI_support.HB0920.pdf

Uploaded by: T. Shekhinah Braveheart

Position: FAV



**Testimony to the House Judiciary Committee
HB0920 Correctional Services – Medical Parole- Life Imprisonment
Marc Schindler, Executive Director
Justice Policy Institute
202-558-7974, mschindler@justicepolicy.org
February 22, 2022**

My name is Marc Schindler. I serve as the Executive Director of the Justice Policy Institute (JPI), a national research and policy organization with expertise on criminal and juvenile justice issues. Over the last decade, JPI has released over a dozen policy and research reports on the Maryland justice system. Please accept this statement in support of HB0920 Correctional Services —Medical Parole– Life Imprisonment.

By way of background, I have had the opportunity in my career to view the justice system from several different angles. I come to this issue today with perspective drawn from experiences both inside and outside the criminal justice system. After graduating from the University of Maryland School of Law, I began my legal career over 20 years ago with the Maryland Office of the Public Defender. I spent eight years as a staff attorney with the Youth Law Center, a national civil rights law firm. Then, I held several leadership roles within the Washington, DC Department of Youth Rehabilitation Services, Washington, DC's juvenile corrections agency, including serving as General Counsel, Chief of Staff, and Interim Director between 2005 and 2010. Prior to joining JPI, I was a partner with Venture Philanthropy Partners (VPP), a Washington-based philanthropic organization.

Last year, this legislative body took the important and necessary step of removing the governor from the parole decision-making process for people serving a life sentence; thereby removing politics from parole in Maryland. That was a historic step that means Maryland governors can no longer undermine the Maryland Parole Commission who he or she appoints. The long-term impact of that policy change will be less tax dollars spent for excessively long stays of incarceration with no demonstrable public safety benefit, less funds diverted away from important services like education and healthcare and will help to mitigate the huge racial disparities in the Maryland justice system.

While Maryland has medical parole, approval is fleeting. Data are limited but provide a glimpse into its restricted use. Between 2015 and 2020, the Maryland Parole Commission approved 86 medical parole applications and denied 253. Further, the Governor granted nine medical parole requests from individuals serving life sentences and rejected 14 requests. Most notably, the lowest yearly approval rating occurred during the height of the pandemic in 2020 at seven percent.

During debate on the bill to remove the governor from the parole process we heard how the parole commission is much better situated to evaluate someone for release due to their history of involvement with the incarcerated population. The governor was making decisions based off no interaction with the population whose fate he was deciding. The idea of making uninformed decision on medical parole recommendations is unfathomable. We have seen what happens when the governor makes uninformed decisions in the case of Donald Brown whose initial attempt for medical parole was denied by the current governor. In the following month, Mr. Brown's health got worse and sparked a second attempt of medical

parole. He was granted medical parole and was released from prison but passed away in a nursing home four days later. That was not medical parole. That was the state avoiding funeral cost.

Unfortunately, due to a technical error, the bill to remove the governor from parole did not remove the governor from the medical parole decision making process. The same logic and considerations that went into passage of last year's bill should be applied to removing the governor from medical parole.

There is no legitimate policy goal, least of all protecting public safety, that supports keeping the governor in the medical parole process so we ask for favorable consideration of HB0920.