



**Testimony to the House Judiciary Committee
HB135 Criminal Law – Controlled Dangerous Substances and Firearms**

Keith Wallington

Justice Policy Institute

kwallington@justicepolicy.org

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Please accept this statement in opposition to House Bill 135. The Justice Policy Institute (JPI) is a national nonprofit organization that changes the conversation around justice reform and advances policies that promote well-being and justice for all people and communities. Over the last decade, JPI has done several reports on the Maryland justice system.

JPI is opposing this bill that would take the state backwards at a time when Maryland is working to address a racially disproportionate justice system that prioritizes entry over release and does little to take the handcuffs off after individuals return to their communities.

If public safety was contingent on the amount of money that we spend, the number of people we arrest, and the length of time served; then Maryland (and the United States) would be among the safest places in the world. However, after decades of sustained investments in polices like this bill is proposing, Maryland now incarcerates a higher percentage of minorities than anywhere in the entire country— while not adequately addressing the devastating impact the justice system is having on entire communities. Despite decades and billions of dollars in failed investments it is unfortunate that we continue to see proposals like this bill. The definition of insanity is doing the same thing over and over and expecting different results. The only thing this and legislation like this accomplishes is satisfying a “tough on crime” mantra that does nothing in the way of actual public safety. It’s politics. While we have invested heavily in incarceration, we have not had the same investments in neighborhoods who have been most impacted by the justice system. This bill is more of what has not worked. Imagine if we had the same sustained investment in communities rather than the justice system. Communities that tend to have less crime are the communities that historically have had more opportunities.

Instead of continuing to push ineffective legislation like HB135, policy makers need to be bold in taking new approaches to dealing with violent crime like recommendations laid out in the [National Public Safety Partnership’s Victim Services Capacity Assessment Report: Focused on Underserved Survivors, including Boys and Men of Color and Those Impacted by Gun Violence](#). While the report – a result of a partnership between Baltimore and the U.S. Department of Justice National Public Safety Partnership program, which “provides specialized expertise and support to cities throughout the country in their efforts to address and reduce violent crime” – centers the needs of victims in violent crime, it provides policy makers with alternatives to knee jerk tough on crime legislation like HB135 that does nothing to improve public safety. For example, one of the report’s recommendations for addressing violent crime is to “Greatly enhance the understanding of the purpose and impact of Community Violence Intervention Programs and factors required for successful implementation. This includes education surrounding the unique role and value of credible messengers and other violence intervention specialists in advancing the shared citywide public safety mission.” Also, taken directly from that report:

- a. Address inconsistencies in working relationships and improve thoughtful and mutually respectful collaboration between BPD and various Safe Streets sites. Strategies include:
 - i. Enhance knowledge of intervention and prevention model(s), including highlighting benefits to shared community safety. BPD personnel should understand that Safe Streets staff aim for the same end goal of safe and healthy communities and reductions in gun violence, but through a different, sometimes complementary, approach.
 - ii. Develop and make widely available collaborative trainings with the goals and structure identified in the Report Findings section. Engage BPD recruits in a training program with Safe Streets, conducting neighborhood canvassing without uniforms or guns. Stress the importance of learning to be in communities without a gun in order to build the skills, relationships, and demeanor to be there safely with a gun.
 - iii. Elevate stature of these organizations and their professional staff as vested partners in co-produced, co-owned community safety approaches.
 - iv. Ensure clarity around information-sharing practices attached to ROCA and the Safe Streets model and other collaborating community organizations, and the need for a one-way flow of information in many circumstances to advance the public safety and community healing goals of all.
 - v. BPD personnel may have a prior contentious relationship with a credible messenger before they were employed to do violence intervention. BPD sworn personnel should not define these individuals from the previous relationship.
 - vi. Wherever possible BPD personnel can give CVI staff space to resolve brewing conflicts before they escalate in the neighborhoods with highest risks for gun violence.”

It is particularly troubling that this bill is being introduced as a crime deterrent when research continually shows that longer sentences are not a crime deterrent.

1. Proposition 47 in California allowed for the reclassification of felonies to misdemeanors and studies done by the university of California-Irvine found that there was no impact on the overall crime rate including violent crime.
 - a. Mauer, Marc. *Long Sentences: Time to Reconsider the Scale of Punishment; The Sentencing Project. The Sentencing Project, 2018.*
<https://www.sentencingproject.org/reports/long-term-sentences-time-to-reconsider-the-scale-of-punishment/>.
2. Research shows that the certainty of being caught is what deters people from committing crimes rather than the severity of the punishment itself. Longer sentencing actually increases recidivism rates, and desensitizes incarcerated individuals to incarceration.
 - a. *Five Things About Deterrence. National Institute of Justice, 2016.*
<https://nij.ojp.gov/topics/articles/five-things-about-deterrence>.
3. Prisons themselves have been found to be school of learning to commit crime.

- a. Nagin, Daniel S., Francis T. Cullen and Cheryl Lero Johnson, "Imprisonment and Reoffending," *Crime and Justice: A Review of Research*, vol. 38, ed. Michael Tonry, Chicago: University of Chicago Press, 2009: 115-200.
4. "Some policymakers and practitioners believe that increasing the severity of the prison experience enhances the "chastening" effect, thereby making individuals convicted of an offense less likely to commit crimes in the future. In fact, scientists have found no evidence for the chastening effect."
 - a. *Five Things About Deterrence*. National Institute of Justice, 2016. <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>.
5. "Longer terms of imprisonment do not reduce recidivism in the first months after release. Investing in longer prison sentences is not likely to yield higher crime-control benefits."
 - a. <https://journals.sagepub.com/doi/10.1177/0011128716687290> Wermink, Hilde, Paul Nieuwbeerta, Anke A. T. Ramakers, Jan W. de Keijser, and Anja J. E. Dirkzwager. "Short-Term Effects of Imprisonment Length on Recidivism in the Netherlands." *Crime & Delinquency* 64, no. 8 (January 12, 2017): 1057–93. <https://doi.org/10.1177/0011128716687290>.

At a time when Maryland is leading the county in incarcerating young men black men between the ages of 18-25 maybe it's time to consider a different approach to what the state has been doing for decades and instead of investing in corrections, invest in people. Target investments to the root issues that are driving justice system involvement. We have neighborhood indicators that speak to where investments are needed. [*The Right Investment? Corrections Spending In Baltimore City \(TRI\)*](#) found that the neighborhoods where the Maryland justice system spends the most money – or the highest incarceration communities – are the same neighborhoods that rank last or toward the bottom in educational attainment with just less than a third (30 percent) of the people in the five communities with the most people in prison do not have a high school diploma or GED. By contrast, about 6 percent of residents in the five communities that send the fewest people to prison have less than a high school diploma or GED. In the highest incarceration communities, about half (49 percent) of high schoolers are chronically absent from school. In the communities with the fewest people in prison, 20 percent of high school students are chronically absent.

The best crime deterrent is creating opportunities. Fifty-two percent of people between the ages of 16 and 64 in the highest incarcerated communities in Baltimore are not employed. The highest incarceration communities have an average median income of \$26,164 compared to a city average of \$40, 803. In 2012, there was one call made to 911 related to narcotics for every four residents in the highest incarceration communities. By sharp contrast, there was an average of 7 calls per 1,000 residents in the five communities with the fewest people in prison. The mortality rate among young people (15-24 years old) in the highest incarceration communities was 21 per 1,000 young residents. Comparatively, the mortality rate of young people in the five communities with the fewest people in prison was three per 1,000 young residents. In Clifton/Berea, the community with the lowest life expectancy of the highest incarcerated communities, residents have a life expectancy of 66. In Greater Roland Park/Poplar Hill – which is among the lowest incarceration communities in Baltimore – residents live to be about 84.

So, when you look at indicators of healthy neighborhoods then we know where investments are needed to stop the flow of individuals from those same communities into the justice system. Legislation like HB135 provides

cover for policy makers to continue it's failed investments in the justice system at the expense of those communities with the biggest investment needs. Not only do we ask you to oppose HB135, but we also ask the committee to be bold and rethink how we invest in public safety by investing long term in communities most impacted. Thank you for the opportunity to weigh in on this important legislation.