



PREPARE
PREpare for PARole and REentry

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SB0389 - Criminal Procedure - Incarcerated Seniors - Motion to Reduce the Duration of a Sentence - SUPPORT

In 2019, OSI Baltimore produced a report entitled Building on the Unger Experience: The Cost-Benefit Analysis of Releasing Aging Prisoners.¹ This report analyzed the release of a geriatric population that served long sentences after being convicted of serious violent crimes (84% murder). Using 2019 rates, the study found a fully loaded cost of almost \$1 million per incarcerated individual, which the state saved by their release. The five year recidivism rate for the Unger group was only 3%.²

Study of the Unger population has yielded numerous suggestions to reduce the geriatric population in Maryland's prisons, many of whom are stalled as a result of two and half decades of Glendenning's "life means life" policy that even Mr. Glendenning admitted was bad public policy as early as 2010. It took until 2021 for serious action to be taken, and as a result of this policy the geriatric population in Maryland prisons has exploded to about 700 people. Using the Unger estimates, this threatens Maryland with a \$700 million bill for the incarceration of elders who pose no threat to public safety.

SB0389 opens the door for the Court to review these cases in totality and make an individual decision on each one. Unlike alternatives such as Parole, the Court is able to admit expert witnesses to interpret medical and psychological information. The Court can be charged with considering factors particularly relevant to the geriatric population, and has a broad authority to receive information from a variety of community sources to use in their decision making process. The Office of the Public Defender has in house social workers charged with the development of robust reentry plans - the exact kind of plans that the Ungers had access to, and the difference that is often credited with their incredibly low recidivism rate.

¹ <https://goccp.maryland.gov/wp-content/uploads/Unger-Cost-Benefit3.pdf>

² Justice Policy Institute, The Ungers: Five Years and Counting,
https://justicepolicy.org/wp-content/uploads/2021/06/Unger_Fact_Sheet.pdf

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Although parole plays an important role in reducing mass incarceration, it has proven to be a poor solution to the growing geriatric population within the prison. In the 2023 Safe at Home report, Justice Policy Institute found the highest parole grant rates at 43% for individuals aged 31 to 35. Those rates plummeted to 28% for individuals aged 60 and over, which runs counter to public safety data that shows a decrease in recidivism with age.³ This is newly reported data. While it is impossible to identify the cause of this trend in parole grants without further study, the problem of a graying prison population is only increasing, along with the significant financial burden this places on Maryland taxpayers. Further delay will only allow this issue to continue to grow. I urge you to vote for SBO389 and open the door for a solution to this growing problem.

³ Justice Policy Institute, Safe at Home,
https://justicepolicy.org/wp-content/uploads/2023/09/JPI-MD-Parole_Overview.pdf