



PREPARE
PREpare for PARole and REentry

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SBO044 - Safe Communities Act of 2024 - OPPOSITION

SBO044 does nothing to live up to its name. It offers no community resources, education, constructive activity, workforce development, housing services, health services, or anything else that is shown to keep communities safe. What it does is put Maryland in a position to see prison populations skyrocket as marginalized communities continue to be targeted for even longer sentences with fewer opportunities for rehabilitation. Maryland already has the highest percentage of Black incarcerated individuals at 71% as a result of “life means life” and “tough on crime” policies that did nothing to actually reduce crime or keep anyone safe.

This legislation would dramatically increase that number because 83% of the sentenced incarcerated population (which currently stands around 15,000) is serving time for a person crime, encompassing most crimes of violence, and 73% of the population is serving at least 10 years.¹ For a 10 year sentence, this bill would increase the time served by almost 3 years per person. At a monthly rate of \$4,968 per person, the cost to Maryland is a hefty one even when the collateral consequences are not considered.² Given the current costs and prison populations, if 73% of incarcerated individuals served an additional 3 years, it would cost the state almost \$2 billion.

The diminution credit system is a long-standing and complex system, and any changes to it would have far-reaching consequences. In the attached pages, I’ve summarized the different types of credits with explanations of their uses and value. I’ve also put forth a story that shows how this system already contributes to the over-incarceration of marginalized communities and how SBO044 would amplify that inequity far beyond where it stands today.

¹ DPSCS Dashboard, Sentenced Population Offense Trends,
https://dpscs.maryland.gov/community_releases/DOC-Annual-Data-Dashboard.shtml

² Maryland Manual, Maryland at a Glance, Criminal Justice,
<https://msa.maryland.gov/msa/mdmanual/01glance/html/criminal.html>

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SBO044 is a costly bill with outcomes that exacerbate the existing inequities that currently exist in Maryland - inequities that our leadership has pledged to work toward reducing. This bill is moving Maryland even further from its goals and I urge you vote against SBO044 and instead use the resources it would consume to invest in Maryland's communities in ways that actually promote health and safety.

What Are Diminution Credits?

Diminution credits are adjustments made to a prison sentence for behavior and compliance. Each credit equals one day to be served on community supervision rather than in physical incarceration. Almost every state has a diminution credit system, including conservative states like Texas, Louisiana and Mississippi. In Maryland, our diminution credit system is managed by DPSCS through Case Management and Commitment. There are four different kinds of diminution credits, each with a different purpose.

Types of Diminution Credits

Good Conduct Credits (GCCs)

GCCs are issued at the beginning of a sentence based on a standard rate of 5 per month for violent convictions and 10 per month for non-violent. DPSCS can revoke GCCs in part or in full as a sanction for infractions, thereby increasing the amount of time the Incarcerated Individual (II) will serve. This is utilized to deter bad behavior, help DPSCS maintain order in the institution and keep correctional staff, contractors and volunteers safe.



ECs are awarded at a rate of 5 per month for participation in qualified educational programs. These include GED programming, vocational training, and transitional classes. ECs exist to motivate IIs who may not have experienced the benefits of education in the past to go to school.

Education Credits (ECs)

Industrial Credits (ICs)

ICs are awarded at a rate of 5 per month for participation in work activities. ICs motivate IIs to participate in institutional work assignments. These assignments generally pay \$1-4/day although they often serve critical functions such as dietary, sanitation, maintenance, and clerical work. ICs and SPCs (below) are the primary wage for institutional jobs.



Special Project Credits (SPCs)



SPCs are flexible credits that can be used by the legislature or DPSCS. Some examples of current SPC uses are “preferred” jobs that are more time consuming and teach vocational skills are issued 5 SPCs per month by DPSCS, and the legislature offered 10 additional SPCs to non-violent offenders that participate in education or training through DLR or MCE through the Justice Reinvestment Act.



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Stealing a Credit Card: How HB0310 Targets Marginalized Communities by Increasing Sentences and Stripping Rehabilitative Opportunity

Michael from Calvert County was raised in a high income household and attended a quality school. He learned to use technology from a young age and has access to the newest devices. When he wanted extra money to support his lifestyle, he bought active, stolen credit card numbers and used them for numerous online purchases. Michael was convicted of the non-violent crime of Theft.

Marcus from Baltimore City was raised in Gilmore Homes. His family is on public assistance and he attended schools with single-digit proficiency rates. He has limited access to technology and poor literacy skills. Broke and unable to even fill out a job application, he snatched a purse and used a stolen credit card at local stores. Marcus was convicted of the violent crime of Robbery.

Both men were arrested at 18 without completing high school and sentenced to 10 years. Both have perfect institutional histories, obtained their GED, then were accepted into a prison education partnership. Both participated in cognitive programming. However, Michael will become parole eligible in 2.5 years, while Marcus must wait 5 years.

Under the current law, with perfect behavior and identical stellar institutional progress, Michael will be released on mandatory after 4 years and 9 months for stealing several credit cards with a high-tech method while Marcus will have to serve 6 years and 5 months for stealing a single credit card directly. If either man gets in trouble or fails to go to work or school, he will serve additional time, so both men are motivated to succeed. Both are released ready to successfully transition.

In the world of HB0310, the disparity becomes more striking. Michael's situation remains unchanged, but Marcus will now serve 9 years regardless of his work or school attendance and can lose up to 235 diminution credits through infractions before he will serve any additional time. Unmotivated by a dollar or two a day, and unsupported by staff who know he cannot benefit, Marcus is likely to forego work and school in favor of less productive but more lucrative activities. He is released unprepared to transition and more likely to recidivate.