



## TESTIMONY BY T. Shekhinah Braveheart

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### *House Bill 1245*

*Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death*

*(Victoria and Scottie's Law)*

*Tuesday, March 5, 2024*

Chairperson and committee members, thank you for your time on this critical issue. I am Shekhiñah Braveheart, a policy associate with the Justice Policy Institute (JPI). JPI is a national research and policy advocacy organization working with communities most impacted by crime and the criminal legal system to build better safety solutions. I am here today to testify in opposition to House Bill 1245, which does nothing to improve public safety, takes resources away from treatment and prevention, and disproportionately affects historically disadvantaged communities of color. This bill is a short-sighted response to an emotionally charged issue that is not grounded in evidence or best practices and ignores the large body of research that shows that longer sentences simply do not deter crime or improve public safety.

**HB1245 Is Not Public Safety Legislation.** Mass incarceration and shameful rates of racial disparity in Maryland were forged from the good intentions of improving public safety. Most of these policies, such as mandatory minimums and longer sentences, were blunt objects that had little relationship to the causes of crime and were passed in the wake of high-profile crimes with little time for careful debate. These policies did not make communities safer but instead destroyed lives. Research confirms [that long prison sentences do not deter crime; but rather, the probability of being caught is the most significant deterrent](#). If longer prison sentences deter crime, then by that logic, the United States should be one of the safest places on the planet, as we possess one of the highest incarceration rates in the world. Without supporting evidence, policymakers continue down a failed path with efforts like HB1245, leaving gaping community investment needs unmet.

**Less Money for Treatment and Prevention.** [Every dollar invested in someone's treatment needs saves several dollars in the long term in crime, corrections, and community health costs, a far wiser investment than adding years to someone's sentence](#). If we continue to place such strong emphasis on reactionary punitive measures in our approach to public safety, it will continue to starve out

programs that address the root causes of criminal behavior through treatment and rehabilitation programs.

**Bills Like HB1245 Have Historically Been Felt Most in Black and Poor Communities.** The destructive consequences of mass incarceration are concentrated in neighborhoods chronically under-resourced and face many challenges, including a lack of educational and employment opportunities and high crime rates. Criminologist Todd Clear referred to the underlying strategy of mass incarceration as attempting to make communities safer through [“addition by subtraction.”](#) His research revealed that the disruption caused by aggressive arrest and incarceration patterns destabilized communities and can lead to *increasing* crime.

### **Investment Choices Matter**

JPI believes safe and healthy communities reflect intentional decisions by civic leaders and community stakeholders on where and what forms of resources to invest. [Our historically disadvantaged communities receive less for prevention and more for prosecution and prisons.](#)

A new report by JPI, [The Right Investment 2.0: How Maryland Can Create Safe and Healthy Communities](#), combines data from the Maryland Department of Public Safety and Correctional Services and the Baltimore Neighborhood Indicator Alliance, a research organization affiliated with the University of Baltimore, to reveal how neighborhoods with the highest number of residents in state prisons experience the lowest levels of community wellbeing as measured by an array of more than 60 indicators covering employment, education, health, housing and more.

The false hope that we will achieve public safety by continuing to make considerable investments in the criminal legal system discourages the innovation needed to address the root causes of drug abuse and crime. It is time for a novel approach that centers on the needs of those most impacted by addiction and the criminal legal system. As a Marylander, I respectfully request that the House Judiciary Committee be bold and chart a new, evidence-based course for public safety. You may start by issuing an unfavorable report on HB 1245. Thank you for your service to our great state.