



## TESTIMONY BY T. Shekhinah Braveheart Policy Associate, Justice Policy Institute

### House Bill 1423

#### *Commission to Review and Assess Racial Disparities in the State Criminal Justice System*

Chair Clippinger, Vice Chair Bartlett, and members of the House Judiciary Committee, thank you for the opportunity to submit testimony in strong support of HB 1423. This bill provides a critical, long-overdue examination of racial disparities within Maryland's criminal legal system. I am T. Shekhinah Braveheart, a Policy Associate with the Justice Policy Institute (JPI), a national organization that promotes fair and effective legal policies.

#### **Addressing Racial Disparities in Maryland's Legal System: The Case for Reform** **A Legal System in Crisis**

Maryland's legal system stands at a crossroads. With stark racial disparities that permeate every level of the prison system, it's time to reevaluate the practices that have led to such an imbalance. In 2019, the Justice Policy Institute released *Rethinking Approaches to Over-Incarceration of Black Young Adults in Maryland*, highlighting Maryland's alarming distinction of having the highest racial disparities in incarceration nationwide. Black individuals comprise 70 percent of the state's prison population—more than double their proportion in the general population (31 percent).<sup>1</sup> The disparities surpassed states like Louisiana and Mississippi. This staggering imbalance underscored the deep and systemic inequities embedded in the state's legal system.

Since that report, little has changed. As of 2025, the state's prison population remains disproportionately Black, with 72% of individuals incarcerated being Black, despite Black individuals comprising less than one-third of Maryland's population.<sup>2</sup> The numbers are even

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<sup>1</sup> Justice Policy Institute, "Rethinking Approaches to over Incarceration of Black Young Adults in Maryland," Justice Policy Institute, November 2019, [https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking\\_Approaches\\_to\\_Over\\_Incarceration\\_MD.pdf](https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarceration_MD.pdf)

<sup>2</sup> Lisa Woelfl, "As Pandemic Eases, Share of Black Inmates in Maryland Prisons Peaks," Maryland Matters, April 17, 2024, <https://marylandmatters.org/2024/04/17/as-pandemic-eases-share-of-black-inmates-in-maryland-prisons-peaks/>.

more troubling among those who've served long sentences, particularly for those sentenced as emerging adults (ages 18-24), where 80% are Black—the highest in the nation.<sup>3</sup>

### The Roots of Racial Disparities in Maryland's Prison System

The overrepresentation of Black individuals in Maryland's prisons is no accident. Aggressive policing practices, punitive sentencing, and restrictive parole policies have contributed to a cycle of over-incarceration.

- **Policing Practices:** Black residents face disproportionate scrutiny in law enforcement, as 63.5 percent of all traffic stops in Maryland involve Black drivers. This occurs despite no evidence that Black individuals are more likely to commit traffic violations or possess contraband.<sup>4</sup>
- **Parole and Probation Supervision:** Black Marylanders are 6.1 times more likely to be incarcerated, 1.9 times more likely to be on probation, and 4.3 times more likely to be on parole compared to White residents.<sup>5</sup>
- **Death in Custody:** In Maryland, 409 individuals died while in the custody of the police department, with 94 percent being Black individuals. This raises concerns about custody tactics and arresting patterns.<sup>6</sup>
- **Across the System:** An analysis of publicly available data from the Department of Public Safety and Correctional Services and the Governor's Office of Crime Prevention and Policy reveals racial disparities disproportionately affecting Black Marylanders.<sup>7</sup>

Data indicate that Black Marylanders experience the repercussions of these systemic issues differently than others. While young adults often bear the most significant burden, these disparities affect every facet of the criminal legal system.

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<sup>3</sup> Urban Institute. (2017). *A Matter of Time: Data*. Retrieved from <https://apps.urban.org/features/long-prison-terms/data.html>

<sup>4</sup> Governor's Office of Crime Prevention and Policy. "Race-Based Traffic Stop Data Dashboard." *Maryland Governor's Office of Crime Prevention and Policy*. Accessed March 3, 2025. <https://gocpp.maryland.gov/data-dashboards/traffic-stop-data-dashboard/>.

<sup>5</sup> Council of State Governments Justice Center. *Maryland Criminal Justice Data Snapshot*. December 2023. Accessed March 3, 2025. [https://justicereinvestmentinitiative.org/wp-content/uploads/2024/01/Maryland-Criminal-Justice-Data-Snapshot\\_accessible.pdf](https://justicereinvestmentinitiative.org/wp-content/uploads/2024/01/Maryland-Criminal-Justice-Data-Snapshot_accessible.pdf).

<sup>6</sup> Governor's Office of Crime Prevention and Policy. *In Custody and Law Enforcement Involved Deaths in Maryland Dashboard*. Accessed March 3, 2025. <https://gocpp.maryland.gov/data-dashboards/in-custody-deaths-dashboard/>.

<sup>7</sup> Governor's Office of Crime Prevention and Policy, Maryland Statistical Analysis Center. *Public Safety Data Dashboards*. Accessed March 3, 2025. <https://gocpp.maryland.gov/data-dashboards/public-safety/>; See also, Maryland Department of Public Safety and Correctional Services. *Data and Reports: DPSCS Community Releases, DOC Annual Data Dashboard, DPDC Annual Data Dashboard, DPP Annual Data Dashboard*. Accessed March 3, 2025. [https://dpscs.maryland.gov/community\\_releases/index.shtml](https://dpscs.maryland.gov/community_releases/index.shtml).

## **Investing in Communities, Not Incarceration**

The question of how to make Maryland safer shouldn't be focused on the number of people behind bars—it should prioritize investing in prevention, rehabilitation, and community resources. Maryland spends nearly \$2 billion annually on corrections, which could be better utilized for mental health care, job training and placement, and violence prevention programs. Historically, under-resourced Black communities have been significant contributors to the criminal legal system. These communities encounter numerous systemic challenges, such as high unemployment, insufficient healthcare, and restricted access to mental health services.

Research indicates that unaddressed mental health and substance abuse issues significantly contribute to individuals' entering the legal system.<sup>8</sup> Investing in community-based treatment programs instead of corrections-focused interventions is crucial for reducing racial disparities within the system. Maryland's approach must be preventative and rehabilitative, not just punitive.

## **Moving Toward a More Just System**

Maryland continues to confront significant racial disparities within its legal system, especially regarding arrests and pretrial detention. Across the state, Black individuals make up 53% of all arrests, while white individuals account for 43%. This disparity is even more evident in minor offenses; for example, in Baltimore City, between 2018 and 2019, 96% of marijuana possession charges were filed against Black individuals, despite comparable usage rates across racial groups. Such imbalances have far-reaching effects throughout the legal system.

A thorough study to identify the root causes of disparities is essential to address these inequities effectively. The Maryland State Commission on Criminal Sentencing Policy has suggested commissioning a study to gather data on possible differences in arrest, pretrial detention, and prosecution charging decisions. This approach assists state agencies and legislators in evaluating and addressing factors contributing to these sentencing disparities.

Maryland can begin tackling racial inequities early in the legal process by reforming police practices, reevaluating arrest policies, and focusing on alternatives to incarceration. However,

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<sup>8</sup> Mesa, Claudia S., and Dawn Pflugrad. "Substance Use and Mental Health in Justice-Involved Male Youths." *Safer Society Foundation*. Accessed March 3, 2025. <https://safersociety.org/substance-use-and-mental-health-in-justice-involved-male-youths/>; See also, Substance Abuse and Mental Health Services Administration. "About Criminal and Juvenile Justice." Last updated May 24, 2024. Accessed March 3, 2025. <https://www.samhsa.gov/communities/criminal-juvenile-justice/about>.

efforts to implement effective reforms may be undermined without a comprehensive understanding of the root causes of these disparities. Therefore, enacting a study bill is vital to achieving equitable justice in Maryland.

### **A Step Toward Systemic Change**

HB 1423 represents an opportunity to change direction. This bill provides a pathway to tackle racial disparities by necessitating a comprehensive review and evaluation of the practices that have disproportionately affected Black individuals. With Maryland continuing to have the highest racial disparity in its prison system—and over **77% of individuals serving 20 or more years being Black**—it is clear that urgent reforms are required to confront the systemic inequities embedded in the legal system.

In light of the significant racial disparities within Maryland's legal system, establishing the Commission to Review and Assess Racial Disparities in the State Criminal Justice System, as proposed in HB 1423, is timely and essential. This Commission is responsible for comprehensively examining the systemic inequities impacting people of color in Maryland's legal system.

The Commission aims to uncover the root causes of these disparities by analyzing factors such as policing practices, arrest rates, charging decisions, pretrial detention, sentencing, and community supervision. This detailed examination will help develop targeted reforms to promote fairness and justice within our legal system.

The time for change is now. Maryland's legal system has entrenched issues that can no longer be overlooked. The passage of HB 1423 represents a crucial opportunity to address these inequities and establish a system that serves all of Maryland's citizens equitably and justly. I urge the House Judiciary Committee to support this vital legislation and ensure its prompt passage.

Thank you for your time and consideration.