



PREPARE
PREpare for PARole and REentry

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**SB0822 - Correctional Services - Maryland Parole Commission - Improvements in
Transparency and Equity - FWA**

I am a formerly incarcerated parole advocate who co-founded PREPARE while incarcerated at MCIW. I have personally been assisting individuals in the parole process since 2017, and PREPARE has served over 2,000 parole-eligible Marylanders since our incorporation in 2021. I have participated in numerous collaborative workgroups since my release in 2022, including the MEJC Parole and Decarceration subcommittee which produced two of the three recommendations included under Prisons, Jails and Detention centers in the MEJC report, including Recommendation #10, which is reflected in this SB0822 and the House sponsor amendment. I urge the Senate to adopt the amendment and return a favorable report on SB0822.

SB0822 hits every mark of the MEJC recommendation. It requires aggregate data in a public report that is uniformly structured, it provides access to the full materials used by the Commission to make their decision, with the notable and understandable exclusion of the victim statement, it establishes a regular timeline for review of cases on a scale that is reasonably attached to the length of the sentence and seriousness of the offense, and it requires the Parole Commission to provide a detailed reasoning for the outcome of each case. It is an excellent bill that passed the House last session. I have attached the relevant section of the MEJC report.

The House sponsor amendment makes some small informational and technical corrections to ensure implementation is smooth and not burdensome. It adds a few additional but important data points to the data that is to be published in annual reports, resolving confusion that led to the publication of erroneous data regarding Maryland's grant rate in several Prison Policy Initiative reports. It requires the disclosure of the Case Plan, Pre-Parole Summary and Case Manager Recommendation used to evaluate the individual under CS 7-305 (11), which is currently denied to the incarcerated individual, and offers the hearing recordings at no cost to the incarcerated individual. Finally, it changes the required reasoning disclosure format for en banc hearings to match the collective reasoning format that exists on the parole decision sheet.

SB0822, including the House sponsor amendment, is an accurate reflection of years of collaborative work conducted under the MEJC, and would strengthen Maryland's current parole process and provide the data to inform future improvement. I urge a favorable report.

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- **Nursing Home Release:** This release is designed for people with terminal illnesses, recognizing the importance of care and safety in their final days.²⁸¹

These models demonstrate the feasibility and benefits of expanding parole eligibility for aging and seriously ill people, highlighting the potential for reducing racial disparities and promoting fairness.

Implementation

- **Legislative Action:** Amend Maryland’s parole statutes to broaden eligibility for medical parole, require a diagnosis from a medical professional for all eligible applicants, and expand the geriatric parole policy adopted in 2016 beyond repeat violent offenders by moving the geriatric parole language in Sec. 14-101(f) to Subsection 3, Section 7-301 of Title 7.
- **Budgetary Analysis:** Require DPSCS to assess and provide budget estimates and necessary resources for the increased number of medical diagnoses under the new statute and compare this cost with the current expenses of housing people with significant medical needs.
- **Data Collection and Reporting:** Require the Maryland Parole Commission to collect and publish data on parole outcomes for aging and seriously ill people, disaggregated by race, gender, and geographic region, to monitor the impact of reforms and address any disparities.

ENHANCE TRANSPARENCY, CONSISTENCY, AND EFFICACY IN MARYLAND PAROLE COMMISSION DECISIONS

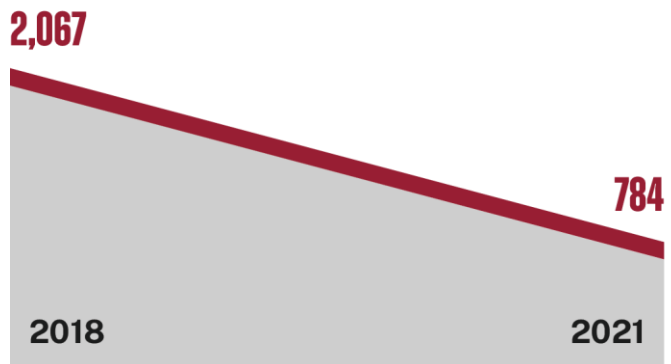
Recommendation #10: Enhance the transparency, consistency, and efficacy of parole decisions by allowing access to the materials and justifications relied upon for decision-making, developing clear guidance on the application of factors impacting release, identifying actions or steps that incarcerated people can take to improve their chances for release, surveying the services available to incarcerated people upon release, and publishing detailed reports on the Maryland Parole Commission’s activities.

Background

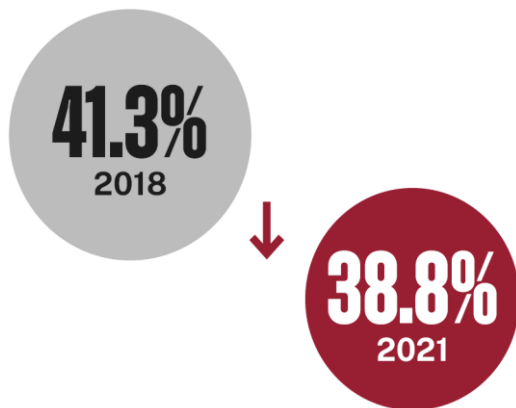
The parole process in Maryland has encountered criticism regarding transparency, consistency, and the potential for racial disparities.²⁸² Subjective and opaque parole decision-making disproportionately disadvantages incarcerated Black people, who often face systemic biases in how their cases are evaluated.²⁸³

Historically, parole processes have favored punitive approaches over rehabilitative ones, with incarcerated people often denied parole without clear explanations or actionable guidance for improving their chances.²⁸⁴ Additionally, the number of parole hearings has declined from 2,067 in 2018 to 784 in 2021.²⁸⁵ Parole grant rates in Maryland have declined from 41.3% in 2018 to 38.8% in 2021.²⁸⁶ The limited availability of post-release services further exacerbates recidivism, disproportionately impacting Black people seeking parole.²⁸⁷

Number of Parole Hearings



Parole Grant Rates



Currently, the parole system in Maryland faces challenges related to transparency and consistency, which contribute to ongoing racial disparities and leave many incarcerated people without a clear path to reintegration.²⁸⁸ We can enhance fairness and accountability by allowing access to decision-making materials and justifications. Additionally, establishing clear guidelines and actionable steps can empower incarcerated people to take proactive measures to improve their readiness for release.

Enhancing support for people transitioning out of incarceration can also significantly reduce the likelihood of recidivism and bring about a more just

and equitable system for all through collaboration and commitment to these improvements.

Best Practices

The following are examples of states that have undertaken parole reforms to increase the efficiency and availability of the program while maintaining public safety.

- New York:** New York’s Board of Parole reform required parole boards to provide clear explanations for decisions and guidance on steps incarcerated people can take to improve their chances for release, and improved transparency and reduced perceived biases in decision-making.²⁸⁹
- California:** California’s parole process is guided by a regularly updated Comprehensive Risk Assessment (CRA) to enhance transparency and effectiveness in parole hearings,²⁹⁰ and the California Parole Transparency Act mandates public reporting of parole decisions, including the factors considered and the

demographics of those granted release, increasing accountability and highlighting areas for improvement.²⁹¹

- **Connecticut:** Connecticut overhauled its parole process by developing standardized decision-making frameworks and actionable steps for incarcerated people, significantly reducing racial disparities in parole outcomes.²⁹²
- **Wyoming:** Wyoming’s parole system provides incarcerated individuals with full access to all materials the parole board will use, allows them to challenge the accuracy of this information, and ensures they understand the process with the assistance of caseworkers, promoting fair parole decisions.²⁹³
- **Michigan:** Michigan has established a standardized statewide parole process requiring the parole board to adhere to the recommendation for granting parole unless there is a valid reason to deviate, with the statute outlining 11 specific reasons for such deviations and requiring a written explanation if the recommendation is not followed.²⁹⁴

States Making Parole More Transparent and Straightforward



Wyoming

ACCESS + SUPPORT

People up for parole have assigned caseworkers, full access to all materials prior to hearing, and can challenge the accuracy of materials.



Michigan

TRANSPARENCY

Parole can only be denied for 11 predetermined, public reasons and explanation for denial must be detailed in writing.



California

RISK ASSESSMENT TOOLS

Risk assessment tools used by psychologists to make parole decisions.



Texas

OBJECTIVITY

Parole board must offer a written, public explanation based on objective standards when parole is denied.



North Carolina

TIMELINES

Cases must be reviewed at least once a year from the time of parole eligibility.

Implementation

- **Policy Reform:** Amend the Maryland Parole Commission policies to provide:
 - Incarcerated people and their advocates access to materials and justifications relied upon for parole decisions to ensure that decisions are transparent, fair, evidence-based, and bias-free.
 - Specific recommendations on actions that an incarcerated person can take to improve their readiness for success if granted parole, such as completing educational programs, engaging in therapy, or securing housing plans, ensuring that the required actions involve only programs or steps that are accessible and available to the individual.
- **Clear Guidance on Parole Criteria:** Develop and publish comprehensive guidelines detailing the factors influencing parole decisions, including rehabilitation progress, disciplinary records, and community support, to help incarcerated individuals understand how to demonstrate readiness for release, with a decision-making process prioritizing transformative personal changes from program participation rather than focusing solely on the details of the conviction.
- **Survey and Expand Post-Release Services:** Conduct a statewide survey of services available to people upon release, including housing, job training, and mental health

support, identify gaps, and allocate resources to expand access in underserved areas.

- **Public Reporting:** Publish annual reports detailing parole outcomes, disaggregated by race, gender, and offense type, and an analysis of trends and recommendations for reducing disparities.

EXPAND AN EMERGING ADULTS PROGRAM (AGES 18–25) FOCUSED ON COMMUNITY BUILDING AND INTENSIVE SERVICES

Recommendation #11: Expand an Emerging Adults Program (ages 18-25) that creates protocols geared toward community building and intensive services to improve post-release success and prevent future system involvement.

Background

Emerging adults, defined as people between the ages of 18 and 25, are disproportionately impacted by the criminal legal system.²⁹⁵ Emerging adults comprise nearly 13% of Maryland’s prison population.²⁹⁶ In Maryland, approximately 80% of people who were sentenced as emerging adults and were sentenced to ten years or more are Black.²⁹⁷ Improving this cohort’s rehabilitative outcomes and preventing future system involvement would significantly reduce the adult prison population and the disparities within.

Emerging adults face unique developmental challenges, including higher rates of impulsive decision-making and difficulty navigating systems designed for older adults.²⁹⁸ These factors increase the likelihood of recidivism when this population is released without adequate support.²⁹⁹ The consequences of early criminal legal system involvement can devastate a young person’s life trajectory.³⁰⁰ Maryland's most recent recidivism data shows a 44% recidivism rate among emerging adults, compared to an average 32% rate overall.³⁰¹ The collateral consequences of criminal legal system involvement are compounded with every additional arrest. One national study found that with every additional arrest, people are more likely to be unemployed, to earn less, and to fail to receive a high school diploma.³⁰²

Adult-focused punitive frameworks for emerging adults fail to address their developmental needs. Incarceration often disrupts critical life transitions, such as completing education, securing employment, and building stable community ties.³⁰³ Programs tailored to this age group have shown promise in reducing recidivism by addressing these challenges through targeted interventions.³⁰⁴ One study conducted on the emerging adult program in South Carolina revealed that participants were 73% less likely to be convicted of a violent infraction after one year. Additionally, the program was associated with an 83% reduction in the likelihood of participants being placed in restrictive housing. The study also found that officers preferred working in this new environment, reporting reduced stress, enhanced quality of life, and opportunities for professional growth.³⁰⁵

To reduce recidivism, expanding the Emerging Adults Program in Maryland can establish protocols that emphasize community building, education, and intensive services. By concentrating efforts on this age group, Maryland can effectively address the systemic