



Justice Reinvestment in Maryland: An Overview of HB 1312/SB1005 (2016)

“Justice Reinvestment”—a “smart-on-crime” plan to simultaneously reduce prisons’ population, save taxpayer funds, and reinvest these funds in programs proven to reduce repeat offenses—was created under President George W. Bush and continues today with bipartisan support. Through a public-private partnership supported by Pew Trusts and the federal government, it supports states in reviewing their existing correctional system and identifying ways to improve it. (For further information, see rightoncrime.com, alec.org, and pewtrusts.org.)

In 2015, Maryland took an important first step towards Justice Reinvestment with SB602¹, creating the **Maryland Justice Reinvestment Coordinating Council (JRCC)** and joining 26 other states that have engaged in this approach to examine and improve their correctional systems.

KEY FINDINGS OF THE JRCC

As required by SB602, the JRCC used a “data-driven approach to develop a statewide framework of sentencing and corrections policies to...reduce the state’s incarcerated population, reduce spending on corrections, and reinvest in strategies to increase public safety and reduce recidivism.” In addition to data review and guidance through the Pew Institute, the JRCC held four stakeholder meetings at different Maryland locations ([see summaries on MAJR.org](http://www.majr.org)).

Based on months of public meetings, hearing from victims, corrections experts, organizations and citizens from around the state, JRCC concluded its first year’s study in December 2015 and published its 33-page [final report](http://www.goccp.maryland.gov/jrcc/documents/jrcc-final-report.pdf) recommending legislation—the Justice Reinvestment Act (JRA) to improve Maryland corrections. View the complete report at: <http://www.goccp.maryland.gov/jrcc/documents/jrcc-final-report.pdf> The JRCC highlighted these striking findings:

- The average sentence length for Maryland prisoners increased 23% in the past 10 years, even as the prison population began a slight decline from historic high levels.
- Maryland incarcerates a higher percentage of our offender population than other states. Of these, 58% are held for nonviolent offenses. Also noteworthy is that 60% of parole and probation violators are sent to prison due to “technical” violations of parole rather than for new offenses.
- Reliable studies show Maryland’s “recidivism”² or re-offense rates—and taxpayer costs—could be cut substantially if more funds were spent on rehabilitation and less on longer sentences. Also, best practices suggest that more rehabilitation services should be targeted on “mid and high-risk offenders,” not “low-risk” offenders.

KEY PROVISIONS OF THE JUSTICE REINVESTMENT ACT (JRA)

JRA, sponsored by Senate President Mike Miller (SB 1005) and House Speaker Mike Busch (HB 1312), makes these important improvements to our state’s criminal justice system.

1. **Fixing the “front door” of the corrections system.** JRA will reduce unnecessary and costly incarceration for low-risk and nonviolent offenders to gain increased funds for less costly, more effective diversion programs. It proposes:
 - Earlier drug treatment, mental health treatment, and alternative dispute resolution programs.
 - Nondiscriminatory offender “risk-needs assessments” to avoid unneeded intervention for low-risk offenders and to target more effective services to “mid and high-risk” offenders.
2. **Reversing Maryland’s high-cost³, low-return prison trends.** Similar to bipartisan reforms now being considered by the U.S. Congress, JRA provisions will:
 - Reduce allowable sentences for many drug-related and other nonviolent offenses, as well as permitting fair sentence reductions retroactively for inmates serving time on the same offenses.
 - Expand alternatives to incarceration in the sentencing guidelines and include suspended sentences in calculating guideline compliance.
3. **Fixing the “back door” of the corrections system.** JRA will provide:
 - Grant funding for a statewide network of local reentry programs to help “returning citizens” access appropriate jobs, housing, treatment and other community assistance that will reduce the likelihood of recidivism.
 - Guidelines for use of proven-effective, “swift-and-certain,” graduated-sanctions for “technical” violations of probation and parole, rather than inflicting full suspended prison time for every violation.
4. **Other valuable improvements** would provide more victim restitution, parole for elderly and disabled inmates, access grants for local reinvestment programs, and training for staff to implement “best practices.”

MAJR’s VIEW

Maryland Alliance for Justice Reform’s (MAJR) played a central 2015 role in advocating and supporting efforts to pass the Justice Reinvestment initiative in Maryland. While the 2016 JRA bill is not perfect from MAJR’s viewpoint⁴, its many important reforms could reduce Maryland’s prison population by 16% and save \$270 million within 10 years.

By reinvesting those funds in alternatives to incarceration, our state’s crime rate also could be reduced, taxpayer funds could be saved, and communities and families could be strengthened. **For all these reasons, MAJR strongly recommends support and passage of the 2016 Maryland Justice Reinvestment Act.** Together, we can work to fill policy gaps and make further improvements through supplemental policy initiatives and legislation in future years.

FOR MORE INFORMATION

See MAJR’s website for more extensive explanations and research that supports the Justice Reinvestment practices and provisions: www.ma4jr.org Also, MAJR provides links and suggestions to help you lobby for passage of the JRA. You will find the JRCC web page helpful as well: <http://www.goccp.maryland.gov/jrcc/index.php>

Note: To access all the links in this document, go to: <http://www.ma4jr.org/jra-summary/>

1. SB602 (2015) was sponsored by Senate President Mike Miller, cross-filed as HB 388 with primary sponsors Delegates Dumais and Vallario, receiving bipartisan support and approval by Gov. Larry Hogan.

2. Maryland’s recidivism rate in 2014 was reported as 41% returning to prison with new offense within 3 years; by comparison, states like Virginia and Oregon have used justice reinvestment to reduce recidivism to the 20%-range.

3. Over \$38,000 per person per year

4. For example, the December 2015 JRCC report has some unfortunate policy gaps, such as omitting reforms for pretrial detention/bail and failing to specify use of “low-risk” screening for alternatives to incarceration within sentencing guidelines.