

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



Summary of Comments at the Third Stakeholders Meeting Sponsored by the Justice Reinvestment Coordinating Council *November 6, 2015 Annapolis, Maryland*

Christopher Shank, Executive Director of the Justice Reinvestment Coordinating Council (JRCC), convened the third of four 2015 stakeholder meetings intended to inform the JRCC's initial recommendations. Council members Delegate Geraldine Valentino-Smith; David Eppler, Attorney General's Office; and Paul DeWolfe, Office of the Public Defender, were present to receive stakeholder testimony, often asking questions and requesting additional information. Don Hogan, with the Governor's Council on Crime Control and Prevention, also attended.

The program began with a review of the various subcommittees established to develop recommendations:

- The **sentencing** subgroup is looking closely at problem-solving courts, alternatives to incarceration, property value thresholds, classifications of assault, and sentencing for drug-related crimes. Analysis of state data shows that sentence length has increased 23 percent in the last decade, even though research has demonstrated that increasing sentence length does not increase the deterrent to crime. The subgroup is also aware that nonviolent offenses account for 58 percent of prison admission.
- The subgroup on **release and reentry** recognizes that people eligible for parole are often not getting timely parole review and that many barriers to successful re-entry must be resolved to prevent recidivism.
- The **supervision** subgroup has heard that 58 percent of admissions are failures of probation, and 46 percent of these are for technical violations. They are considering a variety of ways to encourage and facilitate compliance with the terms of parole, including compliance credits and graduated sanctions, some of which are in the power of the supervisor to exercise.

Stakeholders who had signed up to make statements to the Council then did so in panels assigned by Pew Foundation staff, as a previous meetings. Many speakers were encouraged to provide additional information to assist JRCC subgroups. Council members asked repeatedly for data on program success, proven models and best practices, and information on what other states are doing that works.

The messages delivered at this meeting often reinforced those of the first and second stakeholder meetings, held in September and October. In addition, we heard more about the special needs of women. MAJR's summaries of both of the previous meetings can be found on our website. A final meeting will be held on November 18 (for details, see the MAJR calendar of events). Here is some of what we heard in Annapolis.

Note: Because the Maryland Alliance for Justice Reform (MAJR) does not have access to a participant list, we apologize in advance for inevitable errors in the spelling of participants' names in the summary that follows.

Continuity Facilitates Successful Reentry

Sam Bauman of the Calvert County Health Department stressed the importance of continuity of treatment for people with substance abuse issues. Support systems – family, friends, and faith communities – can play a critical role in supporting people who are trying to overcome addictions. Dan Martin from the Mental Health Association noted that people who have been incarcerated still face technical difficulties accessing Medicaid on their release, stating that a Maryland bill that was supposed to address the problem only succeeded in creating a “patchwork” of ineffective services. He recommended inreach programs that introduce people to potential providers while they are incarcerated, which have been shown to increase dramatically the likelihood that people show up for the critical first appointment upon release.

As Ann Ciekot of the Public Policy Partners pointed out, it is important to look at every phase of involvement with the criminal justice system, from pre-sentence diversion to post-release supervision, as an opportunity to provide effective interventions that deter future involvement. She stressed that relapse while under supervision should be addressed as a clinical issue, not a reason to perpetuate the cycle of incarceration and recidivism.

Access to Treatment is Critical

Mothers told the stories of children addicted to drugs whose lack of access to treatment kept them involved with the criminal justice system. One son, although never convicted of any violent crime, completed all the items on a checklist he understood would make him eligible for parole, then was denied parole anyway. Lisa Lowe of the Heroine Action Coalition brought family members who testified to what they considered systemic injustice:

- One young man was given just 3 months to pay \$3,000 in restitution upon release.
- Some people with drug addictions were denied assessments despite repeated requests.
- A homeless woman was released with no transportation, identification, medication, or insurance.
- A woman who relapsed and asked her parole officer for help was instead rearrested and given a sentence of over 13 years for her first violation.
- One young woman who was believed to have received drugs in prison was strip-searched and left naked in a cell for over 24 hours with staff walking by.
- A young woman whose mother was arrested in front of her spoke of the anguish of being separated from her brother as well as her mother.

Lorna Hogan, who was once incarcerated and now helps others conquer addictions, said her 14 years in recovery testify to the fact that treatment works.

Jessica Heinke of the National Alliance for the Mentally Ill (NAMI) noted that inpatient psychiatric beds have been reduced and only two counties have active mental health courts. Most police officers have very little training to help them respond appropriately to people whose behavior is linked to a mental health crisis. Crisis Intervention Teams, a proven best practice for avoiding criminal justice involvement, are lacking throughout the state. She urged the Committee to look closely at specialty courts, stabilization centers, and Crisis Intervention Teams as proven strategies to avoid unnecessary incarceration.

Not only substance abuse and mental illness, but also physical disease, may go untreated. Julie Magers alleged that her husband, who had multiple sclerosis and Lyme disease as well as a serious mental illness and addiction, was denied appropriate treatment, exacerbating these conditions. He was repeatedly denied the opportunity for an assessment of his addiction issues on the grounds that prescription drug use was not an addiction. (The Substance Abuse and Mental Health Services Administration disagrees, and its national surveys testify to the growing abuse of prescription drugs.)

Leonard Rubenstein of Johns Hopkins Medical center noted that prisons are associated with serious public health problems. They incubate diseases, including TB and Hepatitis C, must provide geriatric care, and exacerbate the

likelihood of homelessness. He urged committee members to take the public safety risks associated with these issues into account, to take the opportunity for reinvestment seriously, and to provide accessible community-based care.

Mediation Can Facilitate Reentry as Well as Avoid Prison Time

Lorig Charkoudian, Executive Director and co-founder of Community Mediation Maryland, stressed the dual roles of re-entry and community mediation in repairing relationships and reducing recidivism. She presented two recommendations:

- Make prisoner re-entry mediation available to everyone preparing for release from Maryland prisons and jails, and
- Increase the use of community mediation for pre-trial diversion in criminal misdemeanor cases.

Transitional Housing: Promising, but Underfunded

John Deckenback of the United Church of Christ highlighted the success of Earl's Place, which provides transitional housing in Baltimore, in preventing recidivism. Prospect Place, which offers longer-term housing, has recently been opened. He noted that both houses have long waiting list, however. This critical need must be met to give returning citizens who need this support an opportunity to establish new lives in their communities.

Focus More Resources on Women

Kimberly Haven, of Innovative Social Change, noted that women constitute the fastest-growing segment of the prison population. Yet, they have comparatively few programs compared to men. The speaker revealed a disturbing litany of issues that affect the lives of women involved with the criminal justice system. Few programs address their needs "behind the wall"; there is no way to complete a GED; there is no real opportunity for employment while incarcerated or other ways to make effective use of their time; wait lists for any "real" opportunities are daunting; and on release, they have little access to food, clothing, housing, education, and employment. She called for investment in resources and partnership with community nonprofits that can support change.

Another speaker focused on issues related to women eligible for parole, highlighting a lack of transparency in decisionmaking. She said one "model inmate" over the age of 50 was denied parole without explanation. Many women have not received the opportunity for risk assessment. Women are denied lawyers at parole hearings, yet are often asked questions only a lawyer could answer ("why did you receive a higher-end sentence?"). Women are denied information on why parole was refused.

Shockingly, Jacqueline Robarge, of Power Inside, revealed that women are released from Baltimore detention centers at all hours with no transportation money or access to crisis services. Sexual predators wait outside the center to take advantage of women who have no other option, and women who make poor choices in the crucial early hours following release frequently relapse and are soon on a path to reincarceration.

MAJR Speaks

Phil Caroom of the Maryland Alliance for Justice Reform presented the JRCC with a comprehensive packet of material which included a summary of problems and specific solutions: pretrial release of low-risk individuals; enhancement of diversion programs via "restorative justice" mediation; attention to sentencing guidelines; reduction in the use of solitary confinement; and changes to existing regulations to reduce the collateral consequences of having been incarcerated. Most importantly the packet included the recommendations of MAJR's four focus groups on (1) Alternative Dispute Resolution; (2) Re-entry Recommendations; (3)

Collateral Consequences; and (4) Employment Opportunities. These summary reports can be found at <http://ma4jr.org/focus-groups/>

Other Stakeholder Messages

People also stressed key components in their vision of a truly just system of criminal justice:

- Garrett O'Day of the Maryland Catholic Conference emphasized the dignity of each person and the impact of incarceration on family stability. He called for the state to emphasize restorative justice rather than simply punishing offenders.
- Jason Zeidenberg of the Justice Policy Institute stressed the importance of reinvesting savings in the communities that have been most affected by mass incarceration and working closely with nonprofit agencies. He noted that approaches in which parole officers engage with the individual to help him or her succeed – known as the Proactive Community Supervision Model – have been shown to can reduce recidivism.
- Lance Lemmonds of the Faith and Freedom Coalition wants to lower the tax burden on public citizens while maintaining public safety, focusing on incarcerating people who provide a real threat to public safety rather than nonviolent offenders. He stressed the importance of reinvesting savings in affected communities.
- Kim Barranco highlighted the Public Safety Compact as a proven model that has reduced the rate of recidivism among participants to 6.5 percent in Baltimore City.

You are invited to join MAJR at MA4JR.org (either as an individual or an organization), learn about issues in Maryland's justice system, and receive our newsletter.

You can find our summary of all stakeholders meetings on the MAJR website.