

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



Fixing the “Front Door” of Maryland’s Corrections System: A Look at the Justice Reinvestment Act (JRA): HB 1312/SB 1005

The Justice Reinvestment Act (JRA) takes a broad-based approach to improve Maryland's sentencing and corrections system, from front-end sentencing reform to back-end release policies. Changes at the “front end” can ensure that costly pretrial detention beds are reserved for offenders who belong there either because they pose a risk to public safety or because they have a record of failing to appear for trial.

The JRA bill’s provisions could reduce needless pretrial detention in various ways:

1. JRA makes certain first-time, minor traffic offenses non-jailable. Under Maryland law, many transportation and licensing offenses carry possible jail time, even for non-criminal conduct that does not represent a threat to public safety. For example, late renewal of car insurance or missing court for a traffic citation can result in a driver’s license suspension. See MD Code, Transportation Article, 16-303(h). Operating a motor vehicle with a suspended license is punishable currently by a sentence of two months incarceration. In FY2014, 16.5 percent of jail sentences in Baltimore City were for driving with a suspended license.

To reduce detentions for such noncriminal conduct, JRA would provide that a first time offender for driving suspended would not be arrested and detained, but simply would receive a citation as for other traffic offenses.

2. Diversion programs could avoid harm to "low-risk" offenders. Community safety is not well-served by incarcerating low-risk or first-time offenders. Studies show that such unnecessary incarceration actually increases the risk of further crime. By contrast, diversions to treatment or mediation, instead of incarceration, can decrease the risk of further crime. Diverting low-risk individuals from unnecessary incarceration is a key strategy for reducing incarceration, saving taxpayer funds, and avoiding harmful effects of imprisonment on families, employment, housing, and other areas.

3. Performance-incentive county grants may improve pretrial detention. Maryland faces a statewide shortage of shortage of local services and programs to reduce recidivism and corrections costs, according to local officials, service providers, and members of the public who testified at four Justice Reinvestment public hearings around the state in 2015. This local shortfall often makes prison the only viable sentencing option. Since counties are often best suited to identify corrections programs, treatment, and services needed for their own offender populations, other states have created performance-incentive grant programs to support local efforts to reduce recidivism – and pretrial detention costs.

JRA establishes a performance incentive county (PIC) grant fund for counties with proposals to reduce recidivism and control corrections costs. The proposals can include, but are not limited to, pretrial assessments to identify “low- risk” offenders or services to reduce pretrial detention, diversion programs like restorative justice or mediation, sentencing alternatives like specialty courts, or reentry programs. The fund will be administered by a board with representation from each jurisdiction. The board will create performance measures to assess the effectiveness of the grants.

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

See the report of MAJR’s focus group on diversion:

<http://www.ma4jr.org/wp-content/uploads/2015/11/ADRFocusGroup.pdf>

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