

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



Governor Larry Hogan
State House
Annapolis, Md. 21401

April 29, 2020

re: Treating all elderly persons with dignity during the pandemic, including those in prison

Dear Governor:

I write you today as a spokesperson for Maryland Alliance for Justice Reform (www.ma4jr.org), as long-time volunteer in Maryland's prison, and as an attorney with more than 30 years experience in criminal justice, recently retired as the Chief of the Parole Division, D.C. Public Defender Service.

Marylanders can be pleased that you, on April 18, 2020, signed an Executive Order to permit the release of select persons from state prisons to reduce the spread of the coronavirus. By its terms, the Order primarily was limited to those convicted of nonviolent offenses—only about 30 percent of the population. Your order should go further.

According to the most recently-published Maryland Division of Corrections statistics, there are at least 2,500 people over age 50 held in Maryland prisons, with more than one-third of these over age 60. One of the most consistent observations of pandemic's impact has been that the elderly are more susceptible to COVID-19. The CDC has issued specific guidelines for older adults. The outbreaks at nursing homes and assisted living facilities have been horrifying, and the deaths are mounting.

The first two Maryland prisoners to die from the virus are men in their 60's in the Jessup Correctional Institute. Similar to those in close-quartered nursing homes, elderly persons behind bars are being and will be hit hard by this virus. They suffer from chronic diseases such as heart, lung and kidney disease, diabetes, respiratory, autoimmune illnesses and limited mobility challenges, mirroring conditions in most nursing home facilities.

At the Jessup facility, I have witnessed the debilitating impact of aging combined with medical challenges on these men, many of whom I have known for decades through my volunteer work. We have grown older together. However, their aging has been quite different from what I experience in the free world. While many of them are chronologically my age or younger, their physical confines and limited healthcare have not been kind to them. Each time I walk through the Jessup compound, I see them in wheelchairs pushed by other prisoners. They often need lower bunks or handicap accessible cells for those due to limited mobility; they have difficulties navigating the institution's uneven terrain, narrow sidewalks and lack of elevators. They use walkers and canes as they move about the facility. Their bodies are broken.

Many were sentenced as juveniles or young adults and have spent decades in prison. Despite the research which tells us that people do age out of criminality, many of these elderly people are model prisoners, serve as leaders in the facility, but have been denied parole repeatedly—some, even after receiving favorable recommendations from the Maryland Parole Commission. Many will not qualify for the Governor's release review because of their decades-old offenses.

Elderly, medically vulnerable people who have served decades in prison, who pose no threat to the community, and who have demonstrated that they have been rehabilitated, deserve an opportunity for release regardless of their offense. As you know, the [200-member Unger group released by Maryland appellate court actions in recent years has demonstrated that elderly inmates present less than a three percent recidivism rate](#) — a tiny fraction of Maryland's prisoners' average recidivism. Permitting the pandemic-related parole or furlough of such elderly and medically-challenged inmates would serve three purposes simultaneously: 1) it would permit safer social distancing for remaining prisoners, 2) it would greatly reduce Maryland prisons' costs and logistics for these elderly inmates who would be eligible for Medicaid on release, and 3) it would demonstrate humane care for even incarcerated Marylanders with minimal increased risk to the public.

Governor Hogan, your Executive Order has started to move Maryland prisons' care for prisoners in the right direction during this pandemic emergency. Still, we encourage you to do more to drastically expand the scope of this order before it is too late.

Very truly,

Olinda Moyd, Esq.
Maryland Alliance for Justice Reform