



Maryland Alliance for Justice Reform

2023 Legislative Priorities for Criminal Justice Reform in Maryland

**End unnecessary incarceration.
Build strong, safe communities.**

You can make a difference!



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"It is a peculiarly American idea to use the prison as the first-choice reaction to crime."

Todd R. Clear

"... if incarceration could make us safer, the United States would be the safest nation in the world. . . . Instead, years of research have shown that crime rates, public safety, and community health are more likely to be negatively affected by incarceration than they are to be improved."

Vera Institute of Justice



Maryland Alliance for Justice Reform

The Maryland Alliance for Justice Reform (MAJR) is a nonpartisan, all-volunteer organization of nearly 2,000 Marylanders who advocate for evidence-based legislative and policy changes in Maryland's correctional practices. MAJR is working to address the problems of mass incarceration in several ways:

- By fully supporting alternatives to incarceration where appropriate.
- By saving taxpayer dollars and reallocating the savings to build safer communities.
- By supporting families, helping people returning from jails and prisons to lead productive lives, and preventing crime.
- By ending inequities in our justice system.

Maryland has opportunities in 2023 to ameliorate serious problems with its criminal justice system while also reducing incarceration, saving taxpayer funds, and improving public safety. MAJR's priorities are informed by workgroups that address three major policy areas.

FRONT DOOR

"Front door" policies determine involvement in our criminal justice system. These include charging decisions, pretrial detention, and alternatives such as diversion to mental health programs, mediation, and other rehabilitative services short of incarceration. "Tough-on-crime" policies and inadequate resources can worsen public safety and cause inequities; "smart-on-crime" alternatives can reduce recidivism and promote justice.

BEHIND THE WALLS

"Behind the Walls" policies control what happens once a person is sentenced to prison or jail for a crime. We know that prison does not always make our communities safer, nor change prisoners for the better. Much needs to be done to remedy these defects.

BACK DOOR

"Back Door" policies determine what happens when citizens return from prison to our communities and whether they can access resources needed to live successful, law-abiding lives. Existing policies and practices often fall very short of this goal.

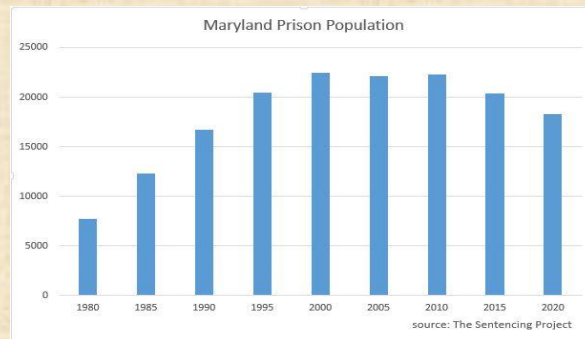
You can make a difference!

To learn how you can support these initiatives or to suggest other steps to reduce mass incarceration in Maryland and make our criminal justice more fair, more effective, and less costly, please contact us at www.ma4jr.org

Overview

Maryland's prison population, like that of other states in the U.S., tripled between 1980 and 2000—the result of a misguided national "tough-on-crime" movement. This made the U.S. rate of incarceration the highest in the world by far. At the same time, African Americans were arrested, convicted, and incarcerated at much higher rates than whites with similar profiles.

In recent years, Maryland and other states have begun to turn the tide of mass incarceration with "Justice Reinvestment" and other evidence-based strategies. Yet after an increase of more than 300%, Maryland's prison populations declined by only 25% between 2008 and 2018. Moreover, today “Maryland leads the nation in the incarceration of young Black men.”



A recent national survey found that “85 percent of respondents supported making rehabilitation the goal of the criminal justice system rather than punishment.” It is universally recognized that education and job-training during incarceration offer the most effective means of reducing future offenses. Yet in Maryland prisons, rehabilitative services, meaningful job-training, and education are scarce.

MAJR urges legislators in 2023 to provide independent corrections oversight with adoption of a Correctional Ombudsman, as many sister states have done, and to study ways to increase our prisons’ education, job-training, and other rehabilitative services. We also urge studies of police and prosecutor practices that have resulted in Maryland’s extraordinary racial disparities in incarceration.

Forty years ago, U.S. Supreme Court Chief Justice Warren Burger argued that our prisons should become a place where incarcerated people become educated and productive citizens able to make positive contributions to their communities and their families upon release. The Chief Justice’s words have only become more salient today.



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Behind the Walls

Resources

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[Michelle Deitch, Independent Correctional Oversight Mechanisms Across the United States](#), 2010.

U.S. Ombudsman Association, [Model Ombudsman Act](#).

Dean M. Gottehrer and Michael Hostina, [Essential Characteristics of a Classical Ombudsman](#).

National Conference of State Legislatures, [The Ombudsman](#).

Judith Jones and Alvin W. Cohn, [State Ombudsman Programs](#), 2005.

[Ombudsman for Corrections](#): Report to the Minnesota Legislature, 2002.

Correctional Ombudsman

- Prisons in Maryland are dangerous and unhealthy.
- Incarcerated individuals are often subjected to acts of violence and other abuse, sometimes by staff.
- In the past 11 years, Maryland's state correctional institutions have had at least 6 major criminal scandals.
- Incarcerated people often have trouble
 - obtaining adequate medical care
 - getting mail
 - accessing reading material and libraries
 - doing legal research and obtaining legal representation.
- Both incarcerated people and staff often face retaliation for reporting misconduct, which can then become widespread and entrenched.

You can make a difference!

What is needed is a completely independent oversight mechanism of Maryland's correctional system. An ombudsman would have the authority to enter any facility at any time, unannounced, and talk to anyone as needed.

Help draft and pass legislation like *Office of the Attorney General – Correctional Ombudsman*- [HB 64 / SB 87 \(2023\)](#).

[Read more](#)



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Behind the Walls

Resources

ACLU of Maryland, [*Still Blocking the Exit*](#), 2015.

Center for Law, Brain & Behavior, [*“Juvenile Justice & the Adolescent Brain”*](#)

Families Against Mandatory Minimums, [*“FAMM Welcomes the Matthew Charles and William Underwood Act,”*](#) 2019.

Justice Policy Institute, [*Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland*](#), 2019.

Marc Mauer and Ashley Nellis, [*The Meaning of Life: The Case for Abolishing Life Sentences*](#), 2018.

Judith Lichtenberg, [*“Abolish Life Sentences,”*](#) 2022.

Kevin Reitz and Cecelia Klingele, [*“Model Penal Code: Sentencing—Workable Limits on Mass Punishment, Crime and Justice”*](#), 2019.

Prison Policy Initiative, [*Eight Keys to Mercy: How to Shorten Excessive Prison Sentences*](#), 2018.

Decarceration

- Incarcerating a growing elderly population is expensive—as much as triple the cost of imprisoning a younger person—and does not serve any counterbalancing public safety benefit.
- Both geriatric and medical parole are key tools to reducing our prison population.
- “Second Look” legislation could allow prisoners between 18 and 25 and those over 60 who have served at least 20 years to request hearings for resentencing.
- Second Look legislation reflects our growing understanding that people age out of crime and that they are often very different people than they were as offenders—especially if they were not fully adult at the time.

You can make a difference!

Help pass bills to expedite medical parole-[HB 47 / SB 33](#) (2023) - and geriatric parole- [HB 157 / SB 98](#) (2023) - for prisoners who no longer present any threat to public safety.

Also, please support other legislation like [the Petition to Modify or Reduce Sentence \(Maryland Second Look Act\) SB842](#) (2022).

[Read more](#)



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Behind the Walls

Resources

Rand Corporation, [*Evaluating the Effectiveness of Correctional Education*](#)

S.J. Steurer et al., [*The Top Nine Reasons to Increase Correctional Education Programs*](#). 2010.

Gerald G. Gaes, [*The Impact of Prison Education Programs on Post-Release Outcomes*](#), 2008.

[*Prisoners Will Soon Be Eligible for Federal Grants, Opening New Educational Opportunities*](#), 2022.

[*Justice Department Awards a Total of Nearly \\$100 Million to Help Reduce Recidivism and Support Successful Reentry to Communities*](#), 2022.

[*IDOC's College Education Policy Goes into Effect Across the State*](#), 2022.

Education

- In the last two decades, education programs in Maryland prisons have seen a dramatic decline in funding, employment of teachers, number of students enrolled, and high school equivalency and career technology program completions.
- Colleges are now receiving Pell grants to provide post-secondary courses to a system in which most potential students lack high school diplomas and adequate skills to enroll and succeed.
- Compared to most states, Maryland's level of funding for the basic, secondary, and career programs is near the bottom of the list.
- Yet [research](#) on prison correctional education programs has proven that they significantly reduce recidivism.

You can make a difference!

MAJR proposes a Governor's commission to study how secondary, career education, and post-secondary programs are currently organized, delivered, and supported; to gather data on the effectiveness of Maryland's correctional education; and to recommend ways to improve all levels of correctional education programs.

[Read more](#)



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Behind the Walls

Resources

Resolution adopted by the U.N. General Assembly on 17 December 2015, [United Nations Standard Minimum Rules for the Treatment of Prisoners](#) ("the Nelson Mandela Rules").

Atul Gawande, "[Hellhole](#)," *The New Yorker*, March 2009.

Justin D. Strong et al., "[The Body in Isolation](#): the Physical Health Impacts of Incarceration in Solitary Confinement," *PLOS One*, October 2020.

Tiana Herring, "[The Research Is Clear](#): Solitary Confinement Causes Long-Lasting Harm," Prison Policy Initiative, December 2020.

Hannah Gaskill, "[Lawmakers Look to Minimize Solitary Confinement in Prisons](#)," *Maryland Matters*, February 2020.

Solitary confinement

- Solitary confinement—known in Maryland as “restrictive housing”—was originally intended to separate the most dangerous prisoners from others, and to keep vulnerable prisoners safe temporarily.
- But in Maryland and elsewhere, solitary is used far more widely. Prisoners who have committed minor rule violations, many of whom are mentally ill, are often put in isolation, sometimes for long periods.
- Incarcerated prisoners in solitary typically live in small cells for up to 22+ hours a day—for weeks, months, or even years.
- This practice often causes irreparable physical and mental harm, both to the individual and to others with whom they later have contact.

You can make a difference!

MAJR joins with [Interfaith Action for Human Rights](#) in supporting the Mandela Act. It would cap use of solitary to 15 days; prohibit it for vulnerable people; severely limit the practice for juveniles; and mandate that those put in restrictive housing be allowed to contest their confinement.

In addition it would require that those involved with restrictive housing undergo training, and that correctional facilities create and publish a monthly report with information about individuals in restrictive housing.

Help pass [SB0045 \(2023\)](#): **Correctional Services – Restrictive Housing – Limitations (Maryland Mandela Act)**

[Read more](#)



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The Front Door

Resources

Guyora Binder, [*Felony Murder*](#), 2012.

Nazgol Ghandnoosh et al., [*Felony Murder: An On-Ramp for Extreme Sentencing*](#), Sentencing Project, 2022.

The Marshall Project Asks: [*Can It Be Murder If You Didn't Kill Anyone?*](#), 2018.

Restore Justice, [*Know More: Felony Murder*](#)

Lila Meadows, [*Abolish Felony Murder in Maryland*](#), 2019.

[*Why Did I Serve 16 Years for Murder When I Didn't Kill Anyone?*](#), 2019.

Felony Murder Rule

Can people be found guilty of murder and sentenced to life in prison even if the court knows they didn't kill anyone? In Maryland, the answer is yes, because of our state's longstanding policy known as the "felony murder rule."

In Maryland someone who intended participation in a lesser crime can receive a life sentence if:

- police shot and killed someone during the arrest
- a victim died of a heart attack
- an accomplice panicked and committed an unplanned killing

Should these unfortunate and unintended circumstances be the decisive factor for a court's imposing life sentences, as it is in these cases?

Hawaii, Kentucky, Massachusetts, and Michigan have legislatively abolished the rule, as have most other countries. Pennsylvania and Illinois have similar bills under consideration. In 2019, California substantially narrowed its felony murder law.

You can make a difference!

Help change Maryland's laws on felony murder and correct this unjust policy.

[Read more](#)



The Front Door

Resources

Maya Szilak, [Maryland Needs to Keep Up the Momentum on Juvenile Justice Reforms](#), 2022.

Robert Hahn [et.al. "Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System,"](#) 2007.

Rutherford Hogan, ["Juveniles Charged as Adults in Maryland \(7/2019-12/2019\)"](#)

Maryland Alliance for Justice Reform, [A Plan to Fix "The Mess" in Maryland Prisons?](#), 2015.

Justice for Youth

Decades ago, Maryland joined a U.S. "tough-on-crime" movement that treats many minors as adults and increases their penalties. These policies have led to large youth prison populations that disproportionately impact poor children and children of color.

"We know that Black youth are arrested at higher rates, charged at higher rates and incarcerated at higher rates [and] sentenced more punitively than white youth even though white youth self-report offending at a higher rate," says [Jenny Egan](#), a juvenile public defender in Baltimore.

Police who interrogate youth currently are permitted to lie to them, seeking to induce confessions. This immoral practice leads to false convictions or juveniles at a rate 3x higher than adults, according to one study.

You can make a difference!

Help draft and pass legislation to protect youth via the safe-harbor bill ([SB691](#)—2022), which would shield victims of sex trafficking from unfair prosecution of offenses they were forced to commit while being trafficked. End the immoral practice of police lying to juveniles to induce confessions by passing [HB 76](#) (2023). Support [HB 96 / SB 93](#) (2023) the juvenile jurisdiction bill, which would end the arbitrary and ineffective policy of defaulting youth charged with specific classes of crimes to adult court.

[Read more](#)



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The Back Door

Resources

Job Opportunities Task Force, [The Effects of a Criminal Record on Job Seekers in Maryland](#), 2020.

Margaret Love and David Schlusell, [Waiting for Relief](#), 2022.

Clean Slate Initiative, [We All Deserve a Chance for Redemption](#), 2022.

National Expungement Data Center, [Is Your Slate Clean?](#), 2022.

National Conference of State Legislatures, [Automatic Expungement of Juvenile Records](#), 2021.

Attorney at Law Magazine, [Why Criminal Record Expungement is Critical for the Growth of Communities](#), 2021.

[Johns Hopkins Expungement Clinics Open Doors to New Opportunities](#), 2021.

Alexander Lekhtman, [Learn How to Clear Your Record \(For Free\)](#), 2021.

Expungement

Prosecutors are adept at overloading charges for a single crime; all those charges, whether proven or not, remain on a defendant's record. Many returning citizens fail to benefit from laws allowing them to clear their criminal records because they are unaware of how to access expungement or cannot afford the required court fees.

Did you know you must petition for expungement even if:

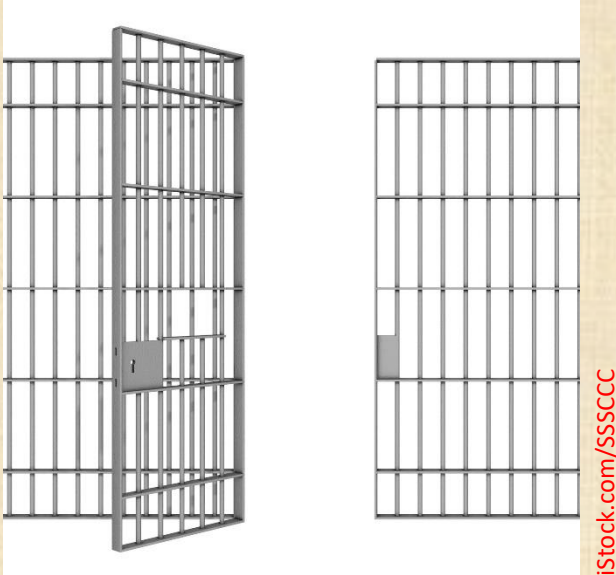
- You were not found guilty
- The charge was dismissed
- You were not prosecuted
- The conviction is no longer a crime
- You were not found criminally responsible
- You were pardoned by the Governor.

You can make a difference!

The Job Opportunities Task Force (JOTF) and MAJR support legislation that would allow expungement in several different kinds of cases to enable our returning citizens to find gainful employment without unwarranted blemishes on their records.

Help pass reduce expungement waiting periods by supporting the [REDEEM Act – HB97 / SB37 \(2023\)](#) . Also, please support other bills to permit courts to reduce waiting periods for good cause – [SB17 \(2023\)](#), to eliminate waiting for mistaken identity charges – [SB66 \(2023\)](#), and to automatically expunge past convictions for possession of cannabis – [SB 88 \(2023\)](#).

[Read more](#)



The Back Door

Resources

Legal Action Center, [After Prison: Roadblocks to Reentry](#), 2004.

ABA Commission On Effective Criminal Sanctions, [ternal Exile: Collateral Consequences of Conviction in Federal Laws and Regulations](#), 2009.

Margaret Colgate Love et al., ["Collateral Consequences of a Criminal Conviction,"](#) 2012.

Diana Gleason, [Think Before You Plead: Juvenile Collateral Consequences in the US](#), 2011.

ABA, [Collateral Consequences of Criminal Convictions Judicial Bench Book](#), 2018.

The Sentencing Project, [How Many People Are Spending Over a Decade in Prison?](#), 2022.

National Conference of State Legislatures, [Certificates of Rehabilitation and Limited Relief](#), 2022.

Collateral Consequences

Criminal convictions frequently carry not only a prison sentence or fine, but also numerous disqualifications ("[collateral consequences](#)"), such as bars to professional licenses and government housing.

Neither prosecutors, defense lawyers, nor judges are obligated to warn defendants of these collateral consequences upon a finding of guilt by trial, or prior to an admission of guilt by plea agreement.

You can make a difference!

Let's make justice more transparent. The [Uniform Collateral Consequences of Conviction Act](#) requires states to notify defendants of indirect penalties that may attach to their convictions and gives them an opportunity to obtain partial relief from those penalties when appropriate.

A current bill to require a State study of collateral consequences and possible remedies is [SB 123 \(2023\)](#)..

[Read more](#)



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“Each of us is more than the worst thing we’ve ever done. . . .The true measure of our character is how we treat the poor, the disfavored, the accused, the incarcerated, and the condemned.”

Brian Stevenson, *Just Mercy*

Maryland Alliance for Justice Reform

Contact us:

Front-Door Workgroup

Behind the Walls Workgroup

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