

[Action Alert text]

An important next step to eliminate racial disparities in Md.'s criminal justice - SB 752

Maryland courts give long prison sentences to our black citizens at a rate more than double the national average – a rate higher than any other U.S. state, including our sister-state runner-up Mississippi. (Justice Policy Institute report - 2019). This JPI report sparked calls from the Baltimore Sun, the Washington Post, leaders and advocates around the State for investigation and change. Yet, important steps towards real change still have not begun.

Before we can eliminate unfair practices, we must identify statistically when and how they occur. Other sister states have begun to investigate and analyze racial disparities in their criminal justice systems. For example, a September 2020 Harvard University study of Massachusetts racial disparities found that *initial* charges were heavier against black and minority defendants; this, in turn, weakened their bargaining position in plea agreements. A July 2020 Wisconsin report found blacks' rate of incarceration on violations of probation especially disproportionate; a prior local Wisconsin study found 74% more likelihood for white defendants than black defendants to receive a plea agreement without incarceration.

Where do Maryland's racial discrimination begin in the criminal justice system? One part of the needed study was begun years ago and is reported annually: Black drivers are annually stopped at much higher rates for minor traffic offenses, their cars are searched more often, and charges not surprisingly are filed more often. (See GOCCP Race-Based Traffic Stop Data Dashboard showing black drivers receive 43% of all traffic stops, although they are less than 30% of the state's population.) But, as to most of the criminal justice system, we can't exactly say because we haven't completed the studies.

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) also is charged by statute with the responsibility to “reduce unwarranted disparity, including any racial disparity, in sentences for criminals who have committed similar crimes and have similar criminal histories.” Md.Code, Crim.Proc.Art.,sec.6-202. But MSCCSP has concluded that a more comprehensive study reaching far beyond sentencing is needed:

MSCCSP, in its (December 2023-revised) “Assessment of Racial Differences in Maryland Guidelines-Eligible Sentencing Events” report, confirmed that the problem is not limited to our sentencing process:

As noted by the National Academies of Sciences (National Academies of Sciences, Engineering, and Medicine, 2022), racial inequality in the criminal justice system reflects cumulative disadvantage related to various stages of criminal processing, including police stops, arrest, charging, incarceration, and community supervision.

For this reason, MSCCSP's report concluded that “[t]he State should consider funding a study such as the one conducted by the Criminal Justice Policy Program at the Harvard Law School (Bishop et al., 2020) to complete a comprehensive analysis regarding the impact of race at multiple points of the criminal justice system to understand potential sources of disparity more fully. Specifically, a study should be commissioned to collect data to address potential differences in arrest, pretrial detention, and prosecution charging decisions.”

SB 752 would provide exactly the study that MSCCSP recommends. It also would allow Maryland to join those sister states that have begun to address the national problem of racial disparities in the criminal justice system, rather than being an example of one of the worst states having this problem.

What We Ask You to Do

Please write to your legislators and ask them to support SB 752. Let's take the next important steps necessary to end race-based discrimination and unfairness in Maryland's criminal justice system.

It helps to personalize your message, and our action alert program allows you to tailor your comments based on your own views and experience. On the next page you are invited to express your own views.

The "ask" is not only for your legislator's support, but also to let you know if they have reservations or objections. If you receive a response from your delegate, please forward it to action@ma4jr.org

[Action Alert Center]/
[email to legislator]

SB 752 - An important next step to end race-based discrimination and unfairness in Maryland's criminal justice system

Dear Senator —

I write as your constituent asking your support for SB 752, an important bill that could put Maryland's criminal justice system on a path to end its race-based discrimination against black citizens.

Maryland courts give long prison sentences to black citizens at a rate more than double the national average – a rate higher than any other U.S. state, including our sister-state runner-up Mississippi. (Justice Policy Inst. report - 2019). Although this JPI report sparked calls from the Baltimore Sun, the Washington Post, leaders and advocates around the State for investigation and change, no legislative action has emerged.

Before Maryland can eliminate our unfair practices, we must identify statistically when and how they occur. Other sister states have begun to investigate and analyze racial disparities in their criminal justice systems. Massachusetts found that *initial* charges were heavier against black and minority defendants; this, in turn, weakened their bargaining position in plea agreements. Wisconsin found blacks' rate of incarceration on violations of probation especially disproportionate; a prior local Wisconsin study found 74% more likelihood for white defendants than black defendants to receive a plea agreement without incarceration.

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Please give SB 752 a favorable vote and take the next important step to identify the problems causing race-based discrimination and unfairness in Md.'s criminal justice system!

We would also like to know if you plan to support this legislation—or if you have concerns or questions. Please let us know by responding to this email!