



February 13, 2020

**VIA EMAIL ONLY**

Members of the Judicial Proceedings Committee  
and the House Judiciary Committee:

Dear Sir/Madam:

Attached is a report entitled "Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland" written by the Justice Policy Institute, which observes:

"As recently as July 2018, more than 70 percent of Maryland's prison population was black, compared to 31 percent of the state population. The latest data from the Department of Justice show that the proportion of the Maryland prison population that is black is more than double the national average of 32 percent. These disparities are rooted in decades of unbalanced policies that disproportionately over-police under-resourced communities of color, and a criminal justice system focused on punitive sentencing and parole practices."

In this context, the notion that racism is no longer a significant factor in the Maryland criminal justice system is wishful thinking. More than ever, we need judges who will not over-sentence black people. Sentencing is overwhelmingly the province of the circuit courts that have done little to nothing to address the problem of mass incarceration in Maryland, either systemically or individually.

The proposed bills introduced by the Maryland state bar and the judiciary diminish the legislature's power to address this issue by virtually eliminating the Senate's oversight of circuit court judicial selection. When your committees take testimony on the judicial selection bill sponsored by Delegate Erik Barron and Senator Christopher West, we hope you will note that it gives the Senate much more needed oversight of circuit court judicial selection than any of the bills introduced by the state bar and the judiciary. I hope you will closely question Chief Judge Barbera and the State Bar sponsors of the competing bills about whether they acknowledge the existence of mass incarceration in Maryland, what they propose to do about it, and how their bills would impact the Senate's ability to select judges who are committed to eliminating it. Hopefully the Barron/West bill will result in assuring that circuit court judges nominated going forward will make a commitment to solving this horrible problem.

Very truly yours,

William H. Murphy, Jr.

cc: Delegate Erik Barron  
Chief Judge Ellen Barbera  
Darryl Barnes, Chairman, Legislative Black Caucus  
Black Caucus and Latino Caucus Members