

IN SUPPORT OF HB 300 WITH AMENDMENT

To: House of Delegates Judiciary Committee

From: Lila Meadows, University of Maryland School of Law Clinical Law Program

Date: March 3, 2020

Re: Written Testimony in support of House Bill 300 with Amendment

The University of Maryland School of Law has several legal clinics that represent individuals sentenced to life in prison, including the Gender Violence Clinic, which represents criminalized survivors of violence who have been sentenced to excessive prison terms. The Gender Violence Clinic supports House Bill 300 and the effort to end the governor's involvement in our parole system.

For too long, decisions regarding release of individuals serving life sentences have been guided by politics instead of the legal criteria this body adopted regarding suitability for release on parole. Since Governor Glendenning declared "life means life" in 1995, only a handful of individuals have been released via the parole system, despite the Maryland Parole Commission's recommendation of many deserving cases. It's important to note that the Maryland Parole Commission is not what anyone would consider a defendant friendly body. Currently, more two thirds of the commission is made up of former law enforcement officers. It's safe to say that commissioners make recommendations only in cases that are the most deserving and pose the lowest risk for re-offense.

The Maryland Parole Commission evaluates suitability for parole using a process that is long and arduous. Currently, lifers are considered for parole after serving a minimum of the equivalent of 15 years. House Bill 1219 would raise that eligibility to 20 years, bringing eligibility in alignment with what is now the eligibility for second degree murder. After reaching eligibility, individuals meet with two parole commissioners who assess suitability for parole by asking a series of questions about the underlying crime, an individual's conduct while incarcerated, and re-entry plans. Commissioners also consider impact statements made by victim representatives. In the clinic's experience representing clients, commissioners are especially focused on both the underlying nature of the crime and victim impact during parole hearings. Individuals who do not express sincere remorse or have not conformed to the rules of confinement are not able to move forward in the process.

Determining a lifer's suitability for parole does not end with the parole hearing. Lifers who parole commissioners believe should advance in the process are recommended for a psychological risk assessment. Currently, there is only one clinician employed by the state to conduct these assessments, and the wait for an assessment is typically between 12 – 24 months. Once a risk assessment is completed, the written report is sent back to the two commissioners who heard the client's case. If the report is unsatisfactory, the client is scheduled for a re-hearing at a later date. If the commissioners are satisfied with the report, the client is scheduled for what is referred to as an *en banc* hearing where the commission meets in its entirety. Candidates for parole must receive a majority vote from the commissioners in order to receive a recommendation for parole.

The Maryland Parole Commission expends significant time and resources to determine whether a candidate is suitable for parole. Throughout the process, lifers are considered by 10 separate commissioners and evaluated by a psychologist. The Governor's involvement in parole is not necessary to keep Marylanders safe. The governor's office offers no special expertise in vetting candidates for parole, and in fact has no staff primarily dedicated to doing so.

The Gender Violence Clinic supports House Bill 300 with amendment. The governor's involvement in our parole system is not justified at any point in an individual's incarceration. We respectfully request that House Bill 300 be amended to remove the language requiring that an individual serves 30 years before the Governor is removed from the parole decision, and instead favor the language in House Bill 1219 that removes the governor from parole at the first point of eligibility.