

Favorably for House Bill 1219; Parole – Life Imprisonment

Chairman Clippinger and Members of the House Judicial Committee

March 2020

Two Former Governors, Robert Ehrlich, and Parris Glendenning both concur that Maryland's parole system has become too political, and in need of reform. Mr. Glendenning instituted the 'Life means Life' policy, and Mr. Ehrlich commuted five (5) sentences while in office. Few People serving a parole eligible life sentence has been paroled out right since 1993. Mr. Glendenning did not parole any during his 8 years in office; Mr. Ehrlich commuted 5 sentences during his 4 years in office; and former Governor O'Malley did not parole any during his 8 years in office, maintaining the Glendenning policy. The current administration has taken some action, but the parole system remains political.

The Maryland parole system has not been operating according to legislative intent for over 25 years. When legislators established the parole commission, requiring the governor's signature, there were less than 300 people serving parole eligible life sentences, and they were released in less than 20 years. There are now over 2600 people requiring a governor's signature for release.

Two significant incidents are note worthy to understand changes in the criminal justice system landscape: Willie Horton, responsible for derailing former governor Michael Dukakis presidential bid; and Rodney Stokes, responsible for former Governor Glendenning's 'life means life' policy in Maryland.

The statute and legislative intent functioned as intended until the Horton, and Stokes incidents: During Governor Marvin Mandel's terms in office (1969) 92 people were paroled; during Governor Harry Hughes term in office (1979) 64 people were paroled; during Governor William Donald Schaefer's term in office (1987), 25 people were paroled. Few people have been paroled out right since Glendenning's 'Life means Life' policy in 1993.

Some rationales often used in denials are nature of the offense, and threat to public safety. Ironically, in 2013 people who were serving parole eligible life sentences began being released under the Unger decision by the Maryland Court of Appeals. This decision mandated that anyone tried by a jury trial before 1980 were entitled to new trials. Since May of 2013, over 200 people who were formerly serving parole eligible life sentences have been released. Recidivism for those released during the Mandel, Hughe, and Schaefer administrations (181) are less than 6%, and for those release under the Unger decision (200) are even less.

The fiscal note for legislation introduced in 2018 to address this issue did not increase the budget; in fact it decreases it. The fiscal note also stated that in 2017 DPSCS had an intake of 52 inmates with life sentences, (35 with parole and 17 without). The intake of inmates with split life sentences was 49, a total of 111. This is just for one year of inmates coming into Maryland prisons that a governor would have to approve releases. From a fiscal perspective, any governor should be encouraging passage of legislation of this nature, as it relieves any governor of the redundancy, or a denovo of parole commissioner functions. Decisions of this nature must be in the hands of parole commissioners who are experts in this field; that use a thorough process, vetting individuals for decades or more.

The current parole scheme, as it exists, has no incentive built into the system. Judge Motz once said, 'Hope and the longing for reward lay at the heart of every human endeavor, in its absence there is no reason for anyone to change.' The system originally had a parole expectance built into it: Starting at maximum security, progressing to medium, minimum, pre-release, work release, family leaves, and eventually paroled. The spirit of the process has been broken.

It would have cost the state 7,144,000 dollars a year to continue to warehouse the 188 people released under the Unger decision. It saved 35,720,000 in the first 5 years since their release. It cost approximately 38,000 a year per pensioner to warehouse; at 38,000 X 2600 it costs 98,800,000 a year. The state has spent 494,000,000 in the 5 years since the Unger's had been release.

We encourage you to vote favorably for SB-817

Walter Lomax, Executive Director, Maryland Restorative Justice Initiative