



**Testimony before the Maryland House Judiciary Committee**

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**HB 100 – Accountability for Violent Offenders  
HB 101 – Crimes - Firearms  
HB 102 – Criminal Gang Offenses**

**February 6, 2018**

Please accept this statement in opposition to HB 100, HB 101, and HB 102.

Thank you for the opportunity to provide testimony on these bills. My name is Marc Schindler and I serve as the Executive Director of the Justice Policy Institute (JPI), a national research and policy organization with expertise on criminal and juvenile justice issues, which is dedicated to reducing the use of incarceration in the justice system. By way of background, I have been fortunate in my career that I have had the opportunity to view the justice system from several different angles, and therefore I come to this issue today from a number of different perspectives.

Previously I held several leadership roles within the DC Department of Youth Rehabilitation Services (DYRS), Washington, DC's juvenile corrections agency, including serving as General Counsel, Chief of Staff and Interim Director between 2005 and 2010. Prior to working at DYRS, I spent eight years as a staff attorney with the Youth Law Center, a national civil rights law firm, where I advocated at the national and state level on issues related to conditions of confinement, racial disparities, indigent defense and other juvenile justice issues. While at the Youth Law Center I also had the honor of serving as co-chair of the National Juvenile Justice and Delinquency Prevention Coalition, where I worked closely on issues related to reauthorization of the federal Juvenile Justice & Delinquency Prevention Act. Prior to joining JPI, for three years I was a partner with Venture Philanthropy Partners (VPP), a Washington-based philanthropic organization. While there I led VPP's Social Innovation Fund youthCONNECT initiative – a five year \$40 million dollar innovative philanthropic effort aligning public-private capital, evaluation, and high performing non-profit organizations to improve the education, employment and health outcomes of 14-24 year old disconnected youth in the Washington metro region. And finally, after graduating from the University of Maryland School of Law I began my legal career over twenty years ago with the Maryland Office of the Public Defender. During that time I served on the Governor's Commission on Children and also chaired the Baltimore City Bar Association's Juvenile Justice Committee.

Unfortunately, Governor Hogan's crime proposals fail to deliver on promises of increased safety and would waste resources that should be put to use effectively preventing and intervening to reduce crime and support victims.

There is no question there is a serious crime challenge in Baltimore that needs to be addressed, and that we can work better to reduce crime and create safer communities throughout the state. But rather than proposing research based solutions and providing support to implement strategies preferred by local officials, Governor Hogan is following the Trump/Sessions "get tough"/"law and order" approach, which was tried in the 1990s and resulted in mass incarceration, enormous racial disparities and minimal public safety benefits.

Based on research on these types of approaches, it is clear that Governor Hogan's legislative package would result in:

1. More people being sentenced to prison when they can be safely served in the community (costing more and using resources ineffectively);
2. More people serving longer sentences (even though this has not been shown to make communities safer);
3. transferring more youth to adult prisons (which has been proven to increase reoffending), and;
4. A disproportionate number of people of color being incarcerated and harm to communities of color

These proposals will not make anybody safer and will fail to prevent future crime.

In 2016, Governor Hogan, legislators on both sides of the aisle and over two dozen stakeholders supported the consensus that led to the passage of the Justice Reinvestment Act (JRA). When the Governor signed the JRA in 2016, it was the culmination of a research-driven bipartisan effort to reduce Maryland's prison population and spend state funds on approaches that would reduce recidivism and create safer communities. Some of the savings are also intended to give crime survivors services they need.<sup>i</sup>

I would submit that consideration and passage of the JRA was an important step in the right direction, and we should be focusing our energy and resources on effectively implementing and building on the JRA. But the Governor's 2018 proposals run directly counter to the principles and practices of the JRA. In contrast to the JRA, which is designed to invest taxpayer money in sound public safety strategies, the Governor's 2018 proposals will increase the state's prison population, cost more, do nothing to improve public safety, and disproportionately harm communities of color in Maryland. In fact, the fiscal note for HB 101 alone has an estimated cost of at least \$202 million to construct a new prison. Therefore, if the Governor's proposals pass it would likely mean any of the saving projected under the JRA would be lost, thereby gutting the JRA and eliminating savings accrued through the Act from being invested in research-based approaches to reduce recidivism.

The Maryland Department of Legislative Services has estimated that, it can cost \$37,000 to incarcerate one person in Maryland for one year. For the cost of incarcerating one person one year longer in a prison under the changes being proposed in Maryland, seven people could be served by an employment

training approach, eight people could be provided with drug treatment, 30 families could be housed, and 37 people could be provided with a GED Course.<sup>ii</sup>

What could Baltimore City communities buy instead of incarceration?		
	Cost per person	Number that could be served for \$37,000
Drug Treatment for Adults	\$4,494	8 people
Employment Training	\$5,000	7 people
Housing (per month)	\$1,252	30 families
GED Course	\$1,000	37 people

Notes: **Drug Treatment for Adults** - Outpatient, per episode cost for one adult, Baltimore Behavioral Health System, FY13. **Employment Training** - Average Cost Of 100, Baltimore-Based Maryland Workforce Exchange Job Education Programs oriented toward earning a certificate, **Housing** - Rent for one month. Assumes two people living in a two bedroom apartment in the Baltimore Metropolitan Area. Althea Arnold and Sheila Crowley, Out Of Reach (Washington, DC: National Low Income Housing Coalition, 2014). <http://nlihc.org/sites/default/files/oor/2014OOR.pdf>, pg. 100. **GED Course**: South Baltimore Learns GED - Personal correspondence with South Baltimore Learns, 8/6/2014.

Before the legislature considers the approaches being offered by the Governor, it should require presentation of the type of data and research that was considered as part of the Justice Reinvestment process. In other words, there should be a demand for evidence that longer sentences, mandatory minimums, and transferring youth to the adult prisons will reduce crime. I’m not aware of any research that supports these approaches, but if it does exist I think the proponents of this legislation should be required to present it for consideration.

There is no meaningful reason for warehousing people well beyond when research shows they have aged out of crime and, in many cases, are not even physically capable of committing violent acts. And beyond the significant amount of research on this issue, we now have additional evidence of the folly of these types of policies, right here in Maryland. As you know, the 2012 Maryland Court of appeals decision in *Unger v. State* mandated individuals convicted under unlawful jury instructions before 1980 to be entitled to new trials. The decision affects well over 200 people and, as of today about 170 individuals have been released; 17 of those released had been denied parole in 2012. Of those released, not one person has committed another violent offense following release. To the contrary, most are successfully reintegrating into society and a number of these individuals are making significant contributions in their communities.

At a cost of almost \$37k per year – and even higher cost for older populations due to their medical needs — Maryland taxpayers are paying for extremely long prison stays that serve no public safety benefit. If the Governor’s proposals become law, we would be spending even more on incarcerating people, with little public safety benefit. This cost comes at the expense of important investments in education, healthcare and infrastructure improvements.

In addition, making policy decisions for the whole state based solely on arguments about crime in Baltimore is a false bargain that will hurt everyone. We should also note that statewide, the number of homicides dropped in 2015 and 2016.<sup>iii</sup>

In contrast to the Governor's legislative package, most elected officials and community leaders in Baltimore have been calling for a series of policy responses that focus on prevention and intensive interventions for the highest risk young adults, and have asked the state for assistance with resources and coordination to implement this plan. It is clear that the majority of Baltimore's leaders and key stakeholders believe that the solution to their local public safety challenge should primarily focus on prevention and interventions that make the city safer, not just locking up more people.

So far, the Governor has not adequately supported funding requests for violence prevention programs advocated by city leaders. Local leaders are most knowledgeable about their community and the Governor and legislature should be supporting their efforts.

It is discouraging and concerning that, instead of working to support the efforts of local officials and the community, the Governor's is aligning himself and his administration with the approach we are seeing coming out of the Trump administration and the Jeff Sessions led Justice Department. We also know this approach is inconsistent with the views expressed by crime victims. Based on recent polling, we know that:

- Fifty-four percent of crime survivors prefer spending on prevention and rehabilitation programs and only 6% prefer spending on prisons and jails.
- Sixty percent of crime survivors think we should be focused on rehabilitation rather than punishment.
- By a margin of nearly 3 to 1, victims believe that prison is more likely to make people commit crimes than to rehabilitate them.
- Victims overwhelmingly prefer investments in new safety priorities, such as education, job creation, mental health treatment, at-risk youth programs, drug treatment, and community supervision, over spending on prisons and jails.
- Sixty-one percent of victims prefer shorter prison sentences and spending on prevention and rehabilitation, whereas only 25 percent prefer long prison sentences as a response to crime.
- Seventy percent of victims prefer holding people who commit crimes accountable through other mechanisms beyond just prison.
- These statistics are true across the political spectrum – 93 percent of Democrats, 84 percent of Republicans, and 90 percent of Independents agree that it is more important to invest in schools and education over prisons and jails.

If Governor Hogan really wants to do something about violent crime, he should support strategies to reduce violence that focuses on investing in effective prevention and intervention – consistent with a public health approach -- and not on longer sentences, mandatory minimums and sending youth to the adult system.

Support should be devoted to:

- **Expanding best practice approaches to curbing violence by youth and young adults.** Baltimore leaders secured a \$6 million commitment from the business community to help implement a nationally recognized approach in Baltimore, which should strengthen efforts to counteract factors that fuel violence.

- **Increasing citizen involvement in crime reduction activities.** This includes the “Call to Action” initiative, a biweekly forum in Baltimore that enables citizens to be part of the solution to reduce violence and strengthen their communities.
- **Increasing access to treatment.** Baltimore is partnering with CareFirst BlueCross BlueShield, to deploy an additional \$1.5 million to ongoing efforts to treat those afflicted with opioid dependency. Additional treatment funding will go a long way in reducing the harm caused by addiction.
- **Increasing affordable housing:** Efforts are being made to prioritize access to affordable housing, which should be expanded upon.
- **Helping people obtain employment.** Baltimore’s Office of Employment Development is now deploying mobile units to provide vital resources to those who need and desire employment.
- **Improving collaboration across public safety agencies.** Agency representatives in Baltimore are now meeting daily and are empowered to make decisions in partnership with district commanders to develop round-the-clock action lists to mitigate neighborhood problems. This approach should continue.
- **Eliminating barriers to education.** Sustaining the initiative to make Baltimore City Community College tuition-free for graduating Baltimore City public high school students should be prioritized.
- **Bringing back programs that targeted support to youth who are at highest risk for shooting others or being shot themselves.** Maryland should re-implement the Operation Safe Kids program that combined intensive community-based case management and supervision with immediate actions by city agencies to address a young person’s needs. The program should include intensive therapy to deal with the PTSD and depression that is so common among these youth.
- **Expanding the Safe Streets program to all communities with high levels of violent crime.** This program has reduced retributive violence in neighborhoods after a violent crime has previously been committed.
- **Increase efforts to improve police-community relations.** It is clear that Freddie Gray’s tragic death and its aftermath have resulted in less community support for the police, leading to the likelihood of less community/police cooperation to solve crime. Major efforts must be made, including through implementation of the Consent Decree, to build trust between the police and the community.

Two years ago the State of Maryland went through a comprehensive justice reinvestment process, which resulted in the passage of the Justice Reinvestment Act that is just now being implemented, aimed at reducing the prison population and using those savings to reduce recidivism and create safer communities. There is no better way to honor the spirit and intent of the justice reinvestment process than by applying this same approach to considering bills that would result in excessively long periods of incarceration at a huge cost to taxpayers, and which would do little if anything to enhance public safety.

To improve public safety in Baltimore and throughout the state, we must avoid the failed approaches of the past and reject the governor's crime bills. Instead, we should be investing in proven interventions for those most at risk of criminal behavior, and address the unmet education, employment, housing, and health care needs in the state's most vulnerable communities.

I respectfully ask for an unfavorable report on HB 100, HB 101, and HB 102.

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<sup>i</sup> Rachel Bluth, "Bipartisan Show of Support for Justice Reinvestment Act," *Capital News Service*, (College Park, MD), March 31, 2016.

<sup>ii</sup> In 2014, the Department of Legislative Services indicating that said that it cost \$37,200 per year to incarcerate one person. Maryland Department of Legislative Services, Maryland General Assembly, 2014 Session, *HB 104 Fiscal and Social Policy Note: Contraband-Places of Confinement-Penalty*, [http://mgaleg.maryland.gov/2014rs/fnotes/bil\\_0004/hb0084.pdf](http://mgaleg.maryland.gov/2014rs/fnotes/bil_0004/hb0084.pdf)

<sup>iii</sup> *Murder by State, Types of Weapons, 2016* (Washington, DC: Criminal Justice Information Services Division, Department of Justice, 2016), <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/tables/table-12>; Deb Belt, "Maryland's Violent Crime Rate in 2016:FBI Releases Newest Data," *Baltimore Patch* (Bel Air, MD), September 26, 2017, <https://patch.com/maryland/baltimore/here-s-what-marylands-violent-crime-rate-was-2016-fbi-data>