

FACTSHEET: Maryland's policies around parole-eligible life sentences

THE ISSUE:

Currently in Maryland, people who are serving parole-eligible life sentences are the only subset of parole-eligible incarcerated individuals for whom the decision to release by the parole board is subject to approval by the Governor.¹ Maryland is almost unique in this regard: no other state except California separates people serving a life sentence from all others eligible for parole, and gives the governor the sole discretion in release decisions. Maryland is one of only three states where the governor must approve parole for people serving a life sentence (the other two are California and Oklahoma).

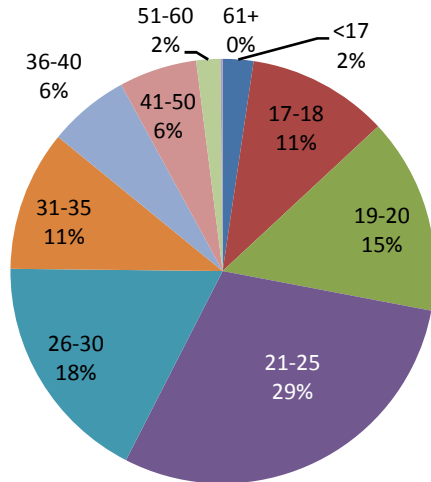
While the Parole Commission continues to make recommendations for people serving parole-eligible life sentences, no one serving a life sentence whose parole was approved by the Commission and who passed other screening assessments has had their parole approved by any of the past three governors. The politicization of this process is unnecessarily costing the State of Maryland millions of dollars to warehouse people who could be safely released to community supervision.

The Justice Policy Institute, a national non-profit organization that changes the conversation around justice reform and advances policies that promote well-being and justice for all people and communities, has been involved in reform efforts in Maryland for the past 8 years, and has issued numerous policy briefs on improving Maryland's criminal justice system. This brief provides an overview of who is serving life with the possibility of parole sentences in Maryland, and provides positive suggestions for improving public safety through the increased use of parole for people serving these sentences.

THE SITUATION:

As of December 4, 2010, 2,657 people were serving life with the possibility of parole sentences in Maryland.² Seventy-one of these people are female and the rest are male. People of color are disproportionately represented in the criminal justice system in Maryland. Although African American adults make up 29 percent of adults in Maryland, they make up 72 percent of the people in prison;³ 77.6 percent of people serving life with the possibility of parole sentences are African American and 21.7 percent are white.⁴ These disproportionate numbers can have a severe negative impact on communities and families where large portions of their community are incarcerated or under the supervision of the criminal justice system.

75 percent of people serving life with parole sentences in Maryland were admitted to prison by the age of 30.



Source: As of December 10, 2010. Maryland Department of Public Safety and Correctional Services, data provided on February 8, 2011.

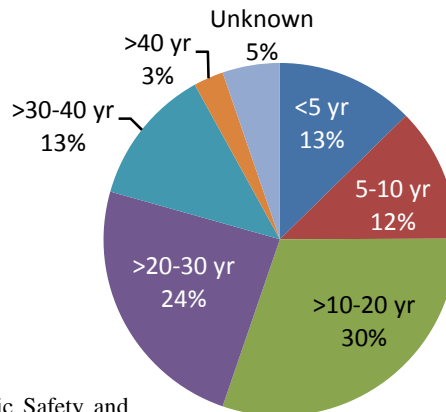
The youngest person currently in prison with this sentence is under age 17 and six people are aged 17 and 18. In total, 62 people currently in prison with a parole-eligible life sentence were sentenced prior to age 17.⁵ These young people could spend their entire lives in prison if the parole system continues to operate in its current capacity.

Thirty-two percent of people in prison in Maryland serving a sentence of life with the possibility of parole are currently over age 50.⁶ Research shows that as people age they become less likely to engage in illegal

behavior. People over age 45 are significantly less likely to participate in illegal activity and have lower re-arrest rates following release than younger people.⁷ A study by the U.S. Department of Justice found that, nationwide, 17 percent of people over age 45 who were released from prison in 1994 were re-imprisoned with a new sentence within three years, compared to over 30 percent of people in their early 20s.⁸ Decision-makers should use this statistical risk information in parole considerations to reduce the number of aging people behind bars.

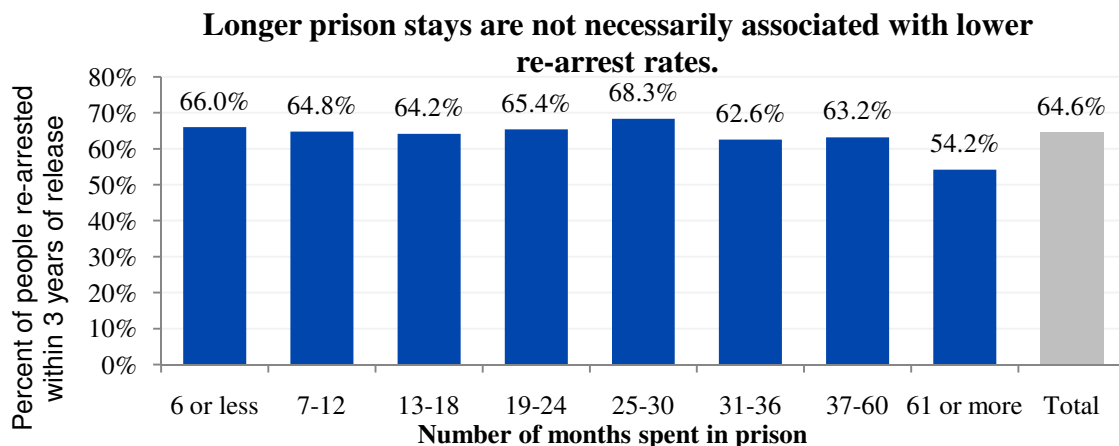
The majority of people serving a life with the possibility of parole sentence in Maryland were convicted of murder (78 percent) and another 15 percent were convicted of rape.⁹ Forty percent of people serving these sentences have already been incarcerated in Maryland prisons for over 20 years, including 73 people who have served more than 40 years in prison.¹⁰

40 percent of people serving life with parole sentences have already served more than 20 years in prison.



Source: As of 12/10/2010. Maryland Department of Public Safety and Correctional Services, data provided on February 8, 2011.

Researchers have established that putting and keeping more people in prison does not necessarily make communities safer,¹¹ and longer prison stays are not associated with notable reductions in re-arrest rates. Over the last three decades the average length of stay in prison nationwide increased from 22 months in 1990 to 30 in 2002.¹² But this 36 percent increase in prison time has not necessarily resulted in lower re-arrest rates or improved public safety: a study by the U.S. Department of Justice found that people who spend more time in prison are not less likely to be re-arrested than people who spend less time.¹³



Source: Patrick A. Langan and David J. Levin, *Recidivism of Prisoners Released in 1994* (Washington, D.C.: Bureau of Justice Statistics, 2002). Table 13. www.ojp.gov/bjs/pub/pdf/rpr94.pdf

RECOMMENDATIONS:

Parole allows people to return to their communities to participate in employment, treatment, education, families and other systems of support. And people on parole are able to contribute to the local economy through their employment, financial support for their families, and patronizing local businesses. Also, research has shown that community-based treatment is more cost-effective and beneficial than treatment delivered in prison,¹⁴ meaning people with substance abuse disorders can conquer their addictions sooner if on parole.

Allow the Parole Commission to have authority to parole. The Commissioners, by statute, have skills relevant to the task; they are experienced at assessing risk; and they already are making recommendations for this group of people now. There is still accountability since the Commission is appointed by the Governor, but the Governor doesn't bear the sole burden of decision-making.

Justice Policy INSTITUTE

¹ This is the final line in Maryland Statute 7-301, (d)(3)(ii)(4).

² Maryland Department of Public Safety and Correctional Services, data provided on February 8, 2011.

³ Maryland Department of Public Safety and Correctional Services, Department of Corrections, *Annual Report 2010*, www.dpscs.state.md.us/publicinfo/publications/pdfs/DOC2010AnnualRpt.pdf

⁴ Maryland Department of Public Safety and Correctional Services, data provided on February 8, 2011.

⁵ Maryland Department of Public Safety and Correctional Services, data provided on February 8, 2011.

⁶ Maryland Department of Public Safety and Correctional Services, data provided on February 8, 2011.

⁷ Patrick A. Langan and David J. Levin, *Recidivism of Prisoners Released in 1994* (Washington, D.C.: Bureau of Justice Statistics, 2002). Table 8. www.ojp.gov/bjs/pub/pdf/rpr94.pdf

⁸ Patrick A. Langan and David J. Levin, *Recidivism of Prisoners Released in 1994* (Washington, D.C.: Bureau of Justice Statistics, 2002). www.ojp.gov/bjs/pub/pdf/rpr94.pdf

⁹ Other offenses include Murder 1 (2083), Murder 2 (12), Solicit to Murder (3), Attempted Murder (44), Conspire Murder (12), Felony Homicide (20), Homicide-Other (9), Manslaughter (2), Manslaughter-Invol (1), Rape 1 (408), Rape 2 (6), Attempted Rape (5), Sex Offense 1 (46), Kidnapping (1), Assault with Intention to Rape (1), Assault of a Minor Child (1), Attempted Robbery (1), and Daytime Housebreaking (2).

¹⁰ Maryland Department of Public Safety and Correctional Services, data provided on February 8, 2011.

¹¹ Patrick A. Langan and David J. Levin, *Recidivism of Prisoners Released in 1994* (Washington, D.C.: Bureau of Justice Statistics, 2002). Table 13. www.ojp.gov/bjs/pub/pdf/rpr94.pdf

¹² Judith Greene and Tim Roche, *Cutting Correctly in Maryland* (Washington, D.C.: Justice Policy Institute, 2003)

¹³ Patrick A. Langan and David J. Levin, *Recidivism of Prisoners Released in 1994* (Washington, D.C.: Bureau of Justice Statistics, 2002). www.ojp.gov/bjs/pub/pdf/rpr94.pdf

¹⁴ Steve Aos, Marna Miller and Elizabeth Drake. *Evidence-based public policy options to reduce future prison construction, criminal justice costs, and crime rates*. (Olympia: Washington State Institute for Public Policy, 2006). www.wsipp.wa.gov; Steve Aos. *The criminal justice system in Washington State: Incarceration rates, taxpayer costs, crime rates and prison economics*. (Olympia: Washington State Institute of Public Policy, 2003).