

# Maryland Restorative Justice Initiative Quarterly Newsletter

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**Quote of the month:** "First they came for the communists, but I was not a communist so I did not speak out. Then they came for the socialists and the trade unionists, but I was neither, so I did not speak out. And when they came for me, there was no one left to speak out for me." Martin Niemoller (1892-1984)

## Lead Story Headline'S

This month's quote is important in that when we started advocating for parole reform, many people did not feel that the 'life means life' policy did not affect them or their loved ones. In the decades since its implementation it has become obvious that it affects Maryland's entire criminal justice system. This is not an indictment on anyone, just the reality of the changing criminal justice systems landscape, and how if you do not speak out when an injustice is occurring, they may one day come for you too.

We were being told not to seek legislation this year because it is an election year, and legislators would be focusing on getting reelected, and trying to pass legislation to assist them. We were told that criminal justice reform was not on their agenda, and the governor was pushing harsher criminal justice policies. Yes, we had the naysayers, the so-called political pendants, as we like to call them. We simply told them that is the very reason we are doing what we are doing, seeking to remove politics from the process. Needless to say, one even stated we did not know what we were doing. Be that as it may, I believe we do, they have been reminded that we are not 'New Jacks' at this, we don't care who is in office, as long as they support our social justice. We play by the rules, presenting the facts to support our position, making sure they have all the available information on our issue, so that when making a decision it is an informed one.

As many of you know, we don't advocate that the prison gates are flung open, just that the men and women who are serving long term, and parole eligible life sentences are giving a meaningful opportunity at release.

## MRJI Up-Date

We were able to do a screening of the documentary 'Blocking the Exit,' and the CBS documentary on the Ungers to the House Judicial committee. Its relevance was 'Blocking the Exit,' was produced before the Ungers began being released, and the CBS dealt with their successful transitions back into the community. They both support our advocacy, and was greatly received.

The hearing in the Senate, February 1st, and the House February 15th were well represented. We are hoping to have the hearing made into DVD's to send into the institutions.

The juvenile class action law suit is still pending, it has been going through settlement negotiations. The other cases before the court of appeals are still pending as well. The judges seem to be focusing on how the life means life policy has affected the juveniles parole eligibility. The state in the mean while has issued a serious of directives, one in the form of an executive order, and the other in the form of a DOC directive, specifically on security status for juveniles. It is our understanding that some juveniles have already been move to lesser security. We will just have to see how this plays out. It does appear taking a step in the right direction.

On the following pages are some photos from both hearings, and one from the press conference. My testimony at the House hearing, and on the last page are some excerpts from the fiscal note for the legislation. I thought this important because of the number of people coming into the DOC that will require the governor's signature to be released, and this is just for one year. Imagine what it will look like in the next five years. I for one want to see my tax dollars spent more wisely.

I will close with, the strength of any effort is the exact measure of its results. You can only get out, the exact measure of that which you put in. Not one who believes in luck, I think that what's meant by that aphorism is preparation meeting opportunity. So I would offer, preparation always meets opportunity.

These photos are from the screening of the CBS documentary on the Ungers at the University of Baltimore, during press conference for SB-246, the Senate and House hearings, and one from last year with Chris Wilson, I call it from the 'Jail House to the state House.' This young brother has become a game changer for a lot of brothers returning back into society. He is working what he calls the 'Master plan.' Went in as juvenile, turned his life around, and is now helping other to do the same.





My testimony at both the Senate and House Judicial committees

SB-249 & HB-846:

## Inmates-Life Imprisonment- Parole Reform



Maryland has the highest rate of blacks in the country serving parole eligible life sentences; 77% percent, yet Maryland only have about a 30% percent black population.

In a sampling done by inmates at JCI, they list 27 individuals serving parole eligible life sentences, 20 are black and 7 are white; of the 27 who were juveniles when sentenced, 26 are black and 1 is white. There is a serious disproportionate representation of blacks in Maryland criminal justice system.

Aside from the racial disparities, the fiscal note for our legislation does not increase the budget; in fact it will decrease it. The fiscal note also states 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, the governor should be encouraging you to pass this legislation, as it relieves any governor of the redundancy or a denovo of parole commissioner functions.

This legislation is not about challenging this governor's authority, nor his willingness to seek a solution to this existing problem. It is about the changing landscape of our criminal justice system, and facing the reality of those changes. When this body passed the 180 days statute in 2011, we all felt that it was a step in the right direction. We now know, especially when Governor O'Malley denied all the recommendation that came before his office shortly after the legislation took effect, that it was politically motivated. We are faced with the Willie Horton syndrome, no political figure will admit it, but it is a reality. This legislation will relieve the governor of that responsibility, and place it where it belongs, in the hands of parole commissioners who are experts in this field; they use a thorough process, vetting these individuals decades or more.

When our advocacy began, there were concerns about public safety, as it should be. However, since 2013 over 180 people who were serving parole eligible life sentences have been released under the Unger decision. With the exception of a few, they all have made successful adjustments back into society. With the assistance of Social workers, and case managers from the University of Maryland and the Public Defender's office, we have a 99.7% percent success rate.

This is why it is important that the current parole system needs to change. As it exists, there is 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, prelease, work release, family leaves, and eventually paroled. The spirit of the process has been broken, and this legislation fixes that.

An analogy of how it operated today, is an individual goes to college, passes all the courses, gets an excellent grade point average, and then are told they cannot graduate because the rules has changed. That is not fair, it is not just, nor is it human, and not what legislators intended with the statute.

Without a change, Maryland will continue to spend millions to incarcerate an aging prison population, who could live safely in the community, (as those released under the Unger decision indicates) simply because of politics. Legislators are urged to consider passing this legislation, and do away with this mundane and archaic parole policy. We encourage you to spend our taxpaying dollars more wisely.



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The strength of any effort, is  
the exact measure of its re-  
sult.

“Never give in – Never give  
up.”

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### FISCAL AND POLICY NOTE

#### First Reader

Senate Bill 249 (Senator Kelley, *et al.*)  
Judicial Proceedings

#### Inmates - Life Imprisonment - Parole Reform

This bill eliminates a requirement that the parole of a person serving a parole-eligible life sentence in a State correctional facility or the Patuxent Institution, subsequent to a recommendation for that parole by the Maryland Parole Commission (MPC) or the Patuxent Board of Review (PBR), be approved by the Governor.

#### Fiscal Summary

**State Effect:** State finances are not anticipated to be significantly affected, as discussed below. The bill's changes can be accommodated with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** None.

#### State Expenditures:

DPSCS notes that parole *eligibility* does not necessarily result in a parole *release*, especially for inmates serving life sentences. Under the bill, inmates who are granted parole from life sentences would be on departmental supervision for the rest of their lives. Violations of parole could cause such offenders to have their parole revoked and be returned to serve the remainder of their sentence in confinement. In any case, the bill likely results in the parole of more persons from State correctional facilities – or the same number of persons at an earlier date. To the extent additional inmates are paroled as a result of the bill, or paroled earlier than they otherwise would be, general fund incarceration expenditures decrease. Any additional persons released to the Community Supervision Unit within DPSCS can be handled with existing budgeted resources. In fiscal 2017, DPSCS had 52 intakes of inmates with a life sentence (35 with parole and 17 without parole) and 49 inmates with a split life sentence. Although DPSCS is unable to reliably predict the pace of potential parole approvals by either MPC or PBR under the bill, it is assumed that the bill's requirements can be handled with the existing budgeted resources of DPSCS and that State finances are not significantly affected.