



# Maryland Restorative Justice Initiative Quarterly Newsletter

Volume 9 Issues 7, 8, & 9

July, August, & September 2018



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**Quote of the month:** Situations never makes a person, situations only reveal you to yourself. They bring out the real person, without the façade.

## Lead Story Headline'S

We held our first strategy meeting on August 22 with some sponsors for parole reform legislation, and some supporters. We are hoping the Black Caucus will again adapt this issue as a part of their legislative agenda. Will be meeting with them later this month seeking their support.

For clarity; there were two cases involving Juveniles, one is the class action law suite in federal court, and the other was the recently decided case in the Maryland court of appeals. They both involve the overall juvenile issue, but they are two different cases.

We were in Annapolis for the task force meeting to make recommendation on how compensation should be awarded to people who have been erroneously convicted and imprisoned.

Most of you know that people began being released from prison in May 2013 under the Unger decision. We believed then, as we do now, that their successful transitions back into the communities would assist us in our advocacy. We could not foretell however, how prophetic that would be. They have exceeded our expectations, with the exceptions of a few mishaps, they are all are living examples of what many of those still incarcerated would do if they are given a chance at release.

This caveat still holds true, we can not get anyone out of prison. Every person will, as they should be, evaluated on their individual accomplishments. We seek that everyone is give a meaningful opportunity, is treated fairly, and equitably, based on the legislative intent in the statute, without the Willie Horton, or Rodney Stokes effects.

## MRJI Up-Date

In 2011 when the 180 days statute was passed, we thought then, as we do now that the legislation did not go far enough. Out assessment was proven correct when former Governor O'Malley denied all the petitions that came before his desk.

In subsequent years, only recommendation for commutations have been given, with only a few people being released. Note: during the Mandel, Hughe, and Schaefer administrations 181 people were paroled, and since may 2013 over 188 people have been released under the Unger decision. They were all serving parole eligible life sentences. The percentages are less then 6% of those paroled, and 1% for those released under the Unger decision.

As have been stated in the Paradigm Shift article; We must acknowledge this paradigm shift, and start the narrative to reverse this course Maryland has taken with the criminal justice system. Maryland has needlessly spent millions of dollars to incarcerate this aging prison population, who could live safely in the community, (as those released under the Unger decision have demonstrated) simply because of politics.

I will leave you with something Dr. Martin Luther King Jr. once said: "We must come to see that human progress never rolls in on the wheels of inevitability, it comes through the tireless efforts and persistent work of people willing to make a change," - Faith without good deeds is no faith at all-- Hope without action is like luke-warm acceptance from those who claim to care, which is more bewildering then outright rejection from those who don't." And, quoting our esteemed brother, Frederick Douglass: "Power concedes nothing without a demand. It never did and it never will."

## Paradigm Shift in the Criminal Justice System



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. No one 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; former governor O'Malley did not parole any during his 8 years in office, maintaining the Glendenning policy.

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 Governors Glendenning 'life means life' policy in Maryland.

The statute and legislative intend 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. No one has been paroled out right since Glendenning's 'Life means Life' policy in 1993.

Legislators made an attempt to address the issue in 2011 when they passed the 180 days statute, giving any setting governor 180 days to make a decision on parole recommendation sent to the office. However, shortly after the legislation became effective, former governor O'Malley denied all the recommendation sent to his office.

Some rationales often used in denials are nature of the offence, 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 188 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 (188) are less than 1%.

Continue on page 4



In this photo array are our strategy session; leaving federal court with Sonia and Mary after giving a deposition on the juvenile class action law suite; in Annapolis at the task force meeting; and at the annual picnic with some of the Ungers where all serving parole eligible life sentences. Lastly, our two admin assistances Ashley & Kaelyn, and our intern Alexis hard at work.



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

**“Never give in – Never give  
up.”**

**MRJI is a program of Fusion  
Partnership Inc. Supported in part by  
a grant from Baltimore OSI ,  
Research Associates Foundation, and  
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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 decades or more

The changing landscape of our criminal justice system, and the reality of those changes, the Willie Horton syndrome, (that no political figure will admit) must be acknowledged.

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, prelease, work release, family leaves, and eventually paroled. The spirit of the process has been broken.

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.

We must acknowledge this paradigm shift;, and start the narrative to reverse this course Maryland has taken with the criminal justice system. Maryland has needlessly spent millions of dollars to incarcerate this aging prison population, who could live safely in the community, (as those released under the Unger decision have demonstrated) simply because of politics. Legislators are urged to consider passing legislation, and do away with this outdated parole policy.

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 has saved 35,720,000 in the 5 years since their release. It cost approximately 38,000 a year per pensioner to warehouse; at 38,000 X 2600 it cost 98,800,000 a year. The state has spent 494,000,000 in the 5 years since the Unger’s has been release.

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Maryland restorative Justice Initiative