

Maryland State Commission on Criminal Sentencing Policy
House Judiciary Committee Room
Low Office Building, Room 121
Annapolis, Maryland
July 11, 1996

Lieutenant Governor Kathleen Kennedy Townsend welcomed the commission members and expressed her and the Governor's delight in the diverse membership of the commission. The Lieutenant Governor spoke of three challenging issues before the commission:

1. the public's lack of confidence in the criminal justice system;
2. disparity in sentencing; both jurisdictional and regional as well as crime to crime;
3. use of correctional resources i.e., we are clearly not using our prison space as best we can to protect public safety.

The Lieutenant Governor further expressed her and the Governor's views that prison space be utilized for the most violent offenders of society and those sentences served be for long duration, however, for the appropriate non-violent offender other types of punishment should be interspersed within the criminal justice system.

Further Lieutenant Governor Townsend expressed an opinion that solutions do exist to the challenges faced by the commission; 1) that Maryland can bring prison expenditures under control; 2) that the commission can reduce inequities in sentences; and 3) we can boost public confidence in the justice system without infringing unnecessarily on judicial discretion by incorporating structured sentencing into Maryland's sentencing scheme.

When considering sentencing restructure, the Lieutenant Governor wanted to be clear that neither the Governor's Office nor the legislature was advocating a scheme as rigid as the Federal guidelines.

In addition to structured sentencing, the Lieutenant Governor requested the commission to look at the relationship between local and state correctional systems and who will administer the possible intermediate sanctions that will most likely be built into the continuum of sanctions needed in a structured sentencing format. This, it was pointed out, would allow judges flexibility to impose sentences tailored to specific cases.

Finally, when considering the concept of restorative justice principles, that the commission consider the victims movement and bring the role of the victim, to the extent possible, into the criminal justice system.

Next, Judge McAuliffe briefly discussed the statute requirements allowing individuals to be appointed or to serve as a designee and also introduced each of the following members:

Governor Appointments:

Judith R. Catterton, Esq.

Chief Walter E. Chase, Sr.

LaMonte E. Cooke, Director

Ms. Roberta Roper

Andrew L. Sonner, Esq.

Dr. Charles F. Wellford

Senate President Appointments:

Senator F. Vernon Boozer
Senator Delores G. Kelley
Senator Christopher J. McCabe

Appointed by House Speaker:

Delegate James M. Harkins
Delegate Kenneth C. Montague, Jr.
Delegate Joseph F. Vallario, Jr.

Appointed by Chief Judge, Court of Appeals:

The Honorable Howard S. Chasnow
The Honorable Joseph H.H. Kaplan
The Honorable Alexander Wright, Jr.

Appointed by Virtue of Office:

The Honorable J. Joseph Curran, Jr.
Stephen E. Harris, Esq.
Secretary Bishop L. Robinson

Judge McAuliffe continued introductions and announced staff members attending from various agencies as well as Adam Gelb, the Lieutenant Governor's Policy Advisor. Others Present were: Robert Bates, Carolyn Quattrocki, Lori Caldwell-Valentine, Frank Cavallaro, John Giannetti, Jr., John Lange, Sally Marker, Pamela Quirk, Sandra Shane-DuBow, and Len Sipes.

The commission was presented with a publication, *ABA Standards for Criminal Justice Standards, Third Edition*, an agenda, a biography on Sandra Shane-DuBow, HB 299 and a schedule of possible meeting dates. Judge McAuliffe briefed the commission on the broad mandate and the complexity of issues therein. Areas of concern began with whether the current system of 'descriptive' sentencing guidelines should be retained and/or modified or whether the state should adopt the 'guided discretion' or structured sentencing guidelines. Judge McAuliffe explained the structured sentencing concept as being one that includes elements of determinate sentencing that bring greater levels of rationality and uniformity to the sentencing process.

The second major consideration was parole; the charge being whether to retain or eliminate the concept in whole or part. Judge McAuliffe expressed the legislation's intent that if parole were retained, that the time served must increase before an inmate was eligible for parole.

The third issue was one of credit for good time served or diminution of sentence credits. Judge McAuliffe spoke of 'truth in sentencing' being in direct conflict with the concept of diminution of time actually served as he suspected prison officials felt diminution of sentence was necessary to run an orderly facility.

Fourth, alternatives to incarceration should be considered as a coordinated system of correctional options at state and local levels, and how do we fairly make resources available to each local subdivision rather than requiring each jurisdiction to develop comprehensive programs.

Judge McAuliffe further stated that the commission was required to develop two correctional population simulation models that would assist in determining what the state and local correctional resources a) currently are; and b) what would they be with any recommended change.

Judge McAuliffe informed the commission of the meeting requirements (at least six times with one public hearing); of funding currently available (an initial \$50,000 budget, but the commission is actively seeking

funds through grant sources); an interim report is due December 31, 1996; and a final report due September 30, 1997. He then introduced Sandra-Shane DuBow, Ph.D.

Dr. DuBow discussed the current sentencing guideline process as compared to structured sentencing. One major difference Dr. DuBow expressed was that similarly situated offenders who commit similar offenses should be sentenced similarly regardless of the jurisdiction. She stated that the structured sentence provides proportionality and rationality to the process. Standards are applied universally thereby articulating specific guidance to judges. Dr. DuBow gave a brief history of the structured sentencing concept and stated that Maine was the first to adopt the concept in 1977, although they no longer continue the structured sentencing concept.

Dr. DuBow stated that most guidelines were developed by judges in local jurisdictions, but as we have become more transient interest has evolved in developing multi-jurisdictional guidelines that would be applied throughout the state. Thus, commissions have been established nationally, comprised of judges, litigators, correctional personnel, policy makers and victims advocates, to determine by consensus a fair determination of a sentence.

Dr. DuBow completed her address to the commission by summarizing the structured sentencing concept as a system providing specific standards, allowing its own standard for deviation and, most importantly, has to be developed from reliable and detailed historical information.

The meeting schedule has been determined as follows:

August 29, 1996
September 12, 1996
October 3, 1996
October 17, 1996
November 7, 1996
December 12, 1996

The August 29th commission meeting has been scheduled from 10:00 a.m. - 4:00 p.m. at the People Resource Center, 100 Community Place, Crownsville, Maryland 21032. Lunch will be served. Please contact Pam Quirk (301/217-7223) with number of persons attending.