



Maryland State Commission on Criminal Sentencing Policy
2009 Public Comments Hearing
House Office Building
Annapolis, MD 21041
December 8, 2009, 6:30 p.m.

Minutes

Commission Members in Attendance:

Honorable Howard S. Chasanow, Chair
Delegate Curt S. Anderson
James V. Anthenelli, Esquire
Shannon E. Avery, Esquire
Chief Marcus L. Brown
Leonard C. Collins, Jr., Esquire
Honorable Arrie W. Davis
Paul F. Enzinna, Esquire
Richard A. Finci, Esquire
Major Bernard B. Foster, Sr.
Senator Lisa A. Gladden
Senator Delores G. Kelley
Patrick Kent, Esquire, *representing Elizabeth Julian, Esquire*
Laura L. Martin, Esquire
Secretary Gary D. Maynard
Honorable John P. Morrissey
Delegate Joseph F. Vallario, Jr.
Charles F. Wellford, Ph.D.

Staff Members in Attendance:

Eric Dunton
Jessica A. Rider
David Soulé, Ph.D.

Visitors:

Chief Judge Robert M. Bell
Claire Rossmark, Department of Legislative Services

The Public Comments Hearing began at 6:30 p.m. when Judge Chasanow called the hearing to order. He explained that the Public Comments Hearing is held annually to provide an opportunity for the public to bring issues before the Commission or to comment on issues previously addressed by the Commission. Judge Chasanow asked the Commissioners to introduce themselves and then he welcomed the speakers to the podium.



██████████, *mother of an offender serving a life term.*
██████████ read a letter from her son who has been incarcerated from the age of sixteen for a life term. ██████████ and her son, ██████████ expressed their frustration with the policy of “life means life” instituted by Governor Glendening.

██████████ addressed the issue of parole for persons serving life sentences. He first discussed his background. He noted that he became concerned by what he views as excessively long sentences of some prisoners during his volunteer work with the ██████████ at ██████████. ██████████ asked that the Commission inform judges that a life sentence with the possibility of parole is, in effect, a sentence of life without parole. ██████████ also requested that the Commission consider supporting legislation similar to Senate Bill 900 that would provide an alternative to the process of granting parole by allowing the approval of either the governor or a three judge panel. Delegate Anderson asked ██████████ if he was aware of any data on how other states deal with the issue. He was not. Judge Chasanow then thanked ██████████ for his fifteen years of volunteer work at ██████████.

██████████, *mother of an offender serving a life term.*
██████████ spoke about prison reform. ██████████ asked that the process of granting parole be reinstated in a manner that takes into account a number of factors including criminal history, the severity of the offense, prison disciplinary records, and program participation while incarcerated. ██████████ also submitted letters written by offenders currently serving life terms.

██████████ and ██████████, *family members of an offender serving a life term.*
██████████ and ██████████ indicated that they had questions regarding natural life sentencing in Maryland. ██████████ and ██████████ were specifically interested in how a judge decides between life and life without parole. Secretary Maynard indicated that he would meet with ██████████ and ██████████ after the Public Comments hearing to answer their questions specific to their family member and assist them with finding resources.

Ms. Tracy Velázquez, Executive Director, Justice Policy Institute.

Ms. Velázquez discussed research on states utilizing sentencing alternatives for non-violent, low-level drug offenders. Ms. Velázquez began by offering an answer to the question Delegate Anderson posed to ██████████ regarding other states’ issuance of parole for life sentences. She said that Maryland is one of only three states in which a governor has veto power over parole board decisions. Ms. Velázquez then commented on the large number of drug offenders incarcerated in Maryland, each costing the state \$26,000 a year. She focused her comments on presenting other states’ strategies for reducing the number of incarcerated drug offenders through sentencing changes. For example, New Jersey has increased the availability of drug court. Through doing so, the state has been able to divert offenders from jail into treatment programs.

Delegate Anderson asked Ms. Velázquez how to convince policy makers that treatment programs actually save taxpayers’ money. She answered that other states have quantified their savings as a way of making the benefits of treatment programs tangible. For instance, California and New Jersey have been able to close prison wings and consolidate prisons through diverting drug offenders to treatment programs. Delegate Anderson asked how to differentiate between drug users



and drug dealers. Ms. Velázquez responded that some jurisdictions have created drug sellers' court as a way to wean offenders off drug dealing by giving them employment and other opportunities.

Judge Morrissey asked how to streamline the drug court process in order to make the process available to a greater number of offenders. Ms. Velázquez noted Hawaii's Project Hope as an example of a sentencing alternative that expends fewer judicial resources than drug court. The project offers probation with drug treatment coupled with short term jail sentences or "flash incarceration" for violations.

[REDACTED] spoke about juveniles currently serving life terms without the possibility of parole. He remarked on the large number of incarcerated juveniles offenders in Maryland as opposed to other states. [REDACTED] questioned the practice of charging juveniles as adults. He concluded that sentencing juveniles to life without the possibility of parole is a cruel and unusual punishment.

Judge Chasanow again thanked all of the speakers for attending and voicing their concerns. Judge Chasanow asked if there were any additional speakers present who wished to address the Commission. Noting no additional requests to speak, the meeting was adjourned at 7:35 p.m.