



MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities

Frequently Asked Questions about Maryland's Justice Reinvestment Act (HB 1312/SB 1005): Why "Smart on Crime" beats "Tough on Crime"

1. **Doesn't the public want government to be "tough on crime?"** Studies show that the 70% of the public in Maryland and 77% in the U.S. favor justice reform, particularly for nonviolent offenders. In particular, these majorities oppose mandatory prison sentences that take discretion away from judges and hand it to prosecutors instead. And, importantly, Justice Reinvestment will make our communities safer! (See #2,3,5 & 6 below.)

2. **How Does Maryland's recidivism rate compare to other states?** Unless we always impose the death penalty or life without parole, all offenders are coming back to your town sometime. By itself, prison doesn't make them behave better. Public opinion (over 90%) clearly supports treatment for nonviolent offenders who need it – not prison sentences. Both Republicans & Democrats agree on this. With the minimal treatment Maryland provides in prison today, about half of those released commit new offenses within 3 years or less. Maryland's reoffense rate is over 40%, but in Virginia, Oregon, and other states recidivism has been cut to the 20% range.

3. **Is it possible to reduce crime by addressing its causes?** Yes, this is what works best, and Maryland can do a better job of it. With proven standardized questions, offenders generally can be classified as "low risk," "high risk," or some level between. These standardized questions are called a "risk-needs assessment" (RNA) because they also can identify factors that helped cause the offense (needs) that, if treated, can reduce the risk of new offenses (for example, substance abuse, homelessness, joblessness, mental health problems, antisocial peers, or family dysfunction). Without use of such standardized questions, even professionals are only one-third as accurate in risk-level assessment.

Currently, over 90% of Maryland criminal cases are resolved by plea agreements, and most sentencing decisions are made without risk-assessment or background investigations. Judges have no standardized method to learn what factors caused an offender to commit an offense and whether these factors might be addressed, lowering the future risk to the community.

4. **If An offender is "low risk," what does that mean?** With no prison or intensive treatment, "low risk" offenders are only 15-25% likely to reoffend within 3 years. With prison or intensive treatment, "low risk" offenders actually become *twice* as high a risk – or more – through contact with high-risk offenders in prison and through the loss of protective factors that lower risk, such as jobs, family connections, and good habits. Instead, because of incarceration, offenders who were once low risk have greater likelihood of being unemployed, associating with law-breaking peers, abusing substances, and have acquired other factors that increase the risk of crime.

Without intensive treatment, "high risk" offenders are over 50% more likely to reoffend. With intensive treatment, "high risk" offenders are less likely (20% reduction) to reoffend! They learn good habits (employment, mental health counseling, positive family/community contacts, stable housing) that deter new offenses.

5. Why do people keep talking about employment? Employment is a strong factor in rehabilitation. With regular employment, scientific studies show that the average offender is only about half as likely to commit a new offense. Changes to “collateral consequences” laws also could give those with criminal records a better chance to apply for jobs they are qualified to do. As is, the laws bar many people who return from prison from so many types of employment that they return to crime.

6. How could “reentry” programs help? Across the U.S., efforts are underway to find “best practices” for reentry. Substantial improvements--dropping recidivism about 40%--are reported by some programs (for example, Minnesota’s MCORP); others are less successful. A good example of effective reentry support from local detention centers is Montgomery County’s Prerelease (Reentry) program, which after 3 years reports a recidivism rate of only 29.7%.

7. Why should taxpayers support employment and reentry programs for offenders? It’s important to recall that Maryland taxpayers NOW support offenders while they are imprisoned at the average annual per inmate cost of Maryland prisons costs over \$38,000 per year per inmate. But that’s just the average. Many inmates, particularly elderly and medically-disabled prisoners, may cost between \$50,000 to \$75,000 per year. This cost is borne by state taxpayers, since inmates are not eligible for Medicare.

Drug treatment and employment programs cost less than half of prison’s average cost, but could reduce repeat offenses by half or more – and, in turn, could shut the revolving door of offenders returning to prison for still more costly taxpayer support. Successful “returning citizen” can support themselves, pay taxes, and support their children, benefitting their communities and the state.

8. Why should other Maryland communities pay for reentry programs in “drug-infested inner-city neighborhoods?” It is not debatable that some neighborhoods have higher crime rates than others. There are also different patterns for arrest and conviction for the same crimes. Studies show that white and black citizens abuse drugs at roughly the same rates, but African-American males are arrested at four times the rate of white males. Once saddled with a criminal record and living in a neighborhood with few employment options, dealing drugs may be one of the few ways an African American male sees as a viable option to pay for a family and for an untreated drug habit.

To be fair and to stop the spread of drug abuse, Maryland must provide drug treatment and reentry for communities in every part of the state. Drug problems do not stop at county or city lines. Justice Reinvestment advocates that “all reentry programs must be local.” In other words, each county should cooperate to provide reentry treatment and employment programs for offenders who are “returning citizens” of the county. In addition, we should work together to prevent crime and reduce recidivism statewide.

9. Where will the money come from? As Maryland prisons are reduced in size and closed in favor of drug treatment, local reentry programs, and other initiatives, tens of millions of dollars can be placed in funds to pay for these alternatives to costly prison terms. The sooner “diversion” programs for mental health or substance abuse treatment are offered, the less they cost and the more crimes are prevented. Another approach that has proven effective is involves “restorative justice” programs that give youthful offenders, victims, family members, and others the chance to meet and to reach agreements to resolve their conflicts. Some Maryland programs report over 90% participant satisfaction and reduced likelihood of new offenses – without the time and costs of criminal court action.

10. Why does The Justice Reinvestment Act need to be so long?: Yes, it is over 80 pages. It took Maryland 35 years and many hundreds of statutes to create a prison system that doesn’t work, tripling in size over this period. Acts must quote the sections of the statutes they are amending and striking, and that makes the Act very long. To help everyone get familiar with the Act, MAJR offers summaries, an outline, and other resources to make it easier to review and understand. See: <http://www.ma4jr.org/jra/>