

# SUPPORT HB 1423 - Commission to assess racial disparities

**MARYLAND ALLIANCE FOR JUSTICE REFORM**  
Working to end unnecessary incarceration and build strong, safe communities



To: Chair Luke Clippinger & House Judiciary Committee  
From: Phil Caroom, MAJR Executive Com. chair  
Date: March 6, 2025

The Justice Policy Institute, late in 2019, reported that our state courts incarcerate black Marylanders disproportionately at a higher rate than any other U.S. state, including our sister-state runner-up Mississippi: Maryland's incarceration of black citizens is more than double the national average. This report sparked calls from the Baltimore Sun, the Washington Post, leaders and advocates around the State for investigation and change. With the pandemic, however, steps towards real change still have not begun.

Some other sister states have begun to investigate and analyze racial disparities in their criminal justice systems. For example, a September 2020 Harvard University study of Massachusetts racial disparities found that *initial* charges were heavier against black and minority defendants; this, in turn, weakened their bargaining position in plea agreements. A July 2020 Wisconsin report found blacks' rate of incarceration on violations of probation especially disproportionate; a prior local Wisconsin study found 74% more likelihood for white defendants than black defendants to receive a plea agreement without incarceration. (A list of references and resources follows this testimony.)

Some sister states, alternately, have created sentencing commissions with the goal of eliminating racial disparities. The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) also is charged by statute with the responsibility to "reduce unwarranted disparity, including any racial disparity, in sentences for criminals who have committed similar crimes and have similar criminal histories." Md.Code, Crim.Proc.Art.,sec.6-202. MSCCSP, in recent years, has begun to consider the question; but it already has concluded that a more comprehensive study reaching far beyond sentencing is needed:

MSCCSP, in its (December 2023-revised) "Assessment of Racial Differences in Maryland Guidelines-Eligible Sentencing Events" report, confirmed that the problem is not limited to our sentencing process:

**"Black and Hispanic individuals generally received more stringent criminal sentences in Maryland, including higher incarceration rates and longer sentences, on average, in comparison to White sentenced individuals";**

and, further, that

**"[a]s noted by the National Academies of Sciences (National Academies of Sciences, Engineering, and Medicine, 2022), racial inequality in the criminal justice system reflects cumulative disadvantage related to various stages of criminal processing, including police stops, arrest, charging, incarceration, and community supervision";**

and, further, that

**"Blacks' mean offender scores are only 22% higher than Whites' offender scores, [but] Black Marylanders' pretrial detention is substantially higher than Whites' and their median overall non-suspended sentences is double that of Whites."**

For these reasons, MSCCSP's report concluded that "[t]he State should consider funding a study such as the one conducted by the Criminal Justice Policy Program at the Harvard Law School (Bishop et al., 2020) to complete a comprehensive analysis regarding the impact of race at multiple points of the criminal justice system to understand potential sources of disparity more fully. Specifically, a study should be commissioned to collect data to address potential differences in arrest, pretrial detention, and prosecution charging decisions" with particular attention to the drivers of these differences including 1) disparate pre-trial detention of African-Americans, 2) the impact of mandatory minimum sentencing, 3) the disparate sentencing of Hispanic - Marylanders despite their lesser prior records, and 4) the jurisdictional differences of sentencing alternative programs.

HB 1423 would provide exactly the study that MSCCSP has recommended. It also would allow Maryland to join those sister states that have begun to address the national problem of racial disparities in the criminal justice system, rather than being an example of one of the worst states having this problem. Please give a favorable report to HB 1423 to take an important first step towards eliminating Maryland's nation-leading racial disparities in our criminal justice system.

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*Please note: Phil Caroom provides this testimony for MAJR and not for the Md. Judiciary.*

## REFERENCES:

Racial Disparities in the Criminal Justice System in Wisconsin (July 2020) -  
<https://www.badgerinstitute.org/BI-Files/Reports/RacialDisparitiesBrief.pdf>

Major Disparity in Massachusetts Criminal Justice (September 2020) -  
<https://www.harvardmagazine.com/2020/09/harvard-law-school-report-on-racial-disparities-in-the-massachusetts-criminal-system>

South Carolina studies -

-<https://www.theguardian.com/us-news/2016/feb/29/racial-bias-criminal-sentencing-south-carolina>

-[https://www.sc.edu/uofsc/posts/2021/01/uofsc\\_law\\_alum\\_seeks\\_to\\_eliminate\\_racial\\_disparities\\_in\\_justice\\_system.php#.Ya9qQy-cZPM](https://www.sc.edu/uofsc/posts/2021/01/uofsc_law_alum_seeks_to_eliminate_racial_disparities_in_justice_system.php#.Ya9qQy-cZPM)

-[https://sc.edu/study/colleges\\_schools/artsandsciences/criminology\\_and\\_criminal\\_justice/beyond\\_the\\_classroom/reu/index.php](https://sc.edu/study/colleges_schools/artsandsciences/criminology_and_criminal_justice/beyond_the_classroom/reu/index.php)

Notre Dame Law Review as to “digital platforms” now available to expedite and track contents and statistics of plea bargains: [http://ndlawreview.org/wp-content/uploads/2021/01/NDL302-Turner\\_crop.pdf](http://ndlawreview.org/wp-content/uploads/2021/01/NDL302-Turner_crop.pdf) A provider boasts that “a customer who “used to take . . . 4–6 hours to update cases after a large docket . . . now only takes 20–30 minutes.”