

The Governor's Crime Package: A Costly Mistake for Maryland

The bills: Gov. Hogan has introduced six bills (HB 100, HB 101, HB 102, SB 197, SB 198, and SB 199) that utilize mandatory minimum sentencing to address issues of increased crime in Baltimore, Maryland. Families Against Mandatory Minimums opposes these bills because:

Mandatory minimum sentences do not deter crime:

- Better enforcement of Maryland's existing laws would be more effective than enacting new mandatory minimums.
- According to the Department of Justice's National Institute of Justice, it is the certainty of being caught, not the length of the sentence, that deters crime.
- Evidence shows that longer sentences for repeat offenders are actually worse for the offender and public safety, increasing the likelihood that a person will reoffend.
- Evidence also shows that larger prison populations do not mean lower crime rates; in fact, states with the largest reductions in prison populations saw, on average, larger decreases in crime in the last 10 years.

Mandatory minimums have repeatedly failed to curb gun violence:

- A 2013 summary of 29 separate studies shows that mandatory minimum sentences do not reduce gun violence.
 - The same report found that similar policies enacted in Florida, Michigan, Virginia, and Massachusetts failed to meaningfully reduce gun violence.
- Gov. Hogan's plan bars judges from requiring the state to determine the drug and alcohol abuse treatment needs of people who commit violent crimes, preventing their access to proper rehabilitative services and failing to address the root causes of their crimes.

Mandatory minimums increase racial disparities:

- African Americans currently account for about 70% of Maryland's prison population.
- Between 2002 and 2008, 89% of defendants sentenced to mandatory minimum drug sentences were African American.
- At the federal level, studies show that prosecutors are twice as likely to bring charges carrying mandatory minimums against black defendants as they are against white defendants.

Mandatory minimums do not promote certainty or uniformity in sentencing:

- Mandatory minimums do not guarantee more or longer prison sentences for offenders. Rather, they shift sentencing discretion from the judge to the prosecutor, who can still
 - negotiate a different sentence,
 - dismiss or fail to bring charges that carry mandatory penalties, or
 - misuse mandatory sentences to create a "trial penalty" for those who choose to exercise their constitutional right to go to trial.
- Evidence shows that mandatory minimums are applied at a higher rate in rural counties than they are in urban counties in Maryland.

Maryland should be investing in more proven methods of crime reduction:

- A single person sentenced to one of Gov. Hogan’s proposed 10-year sentences for repeat violent felonies would cost taxpayers \$400,397. While in some cases that sentence and its costs may be justified, in many others it would not make Maryland safer and would waste taxpayer money.
- Maryland’s resources would be better spent on proven methods of crime reduction, such as investing in
 - better community- and problem-oriented policing and prosecution,
 - victim services,
 - youth gang and crime prevention, or
 - better schools and job training programs in communities.
- Instead of using lengthy and costly prison terms for broad groups of offenders, Maryland should focus on better policing and enforcement in geographic centers of crime. In some cities, the majority of crimes come from only 3% of streets. Evidence shows that anti-crime strategies that target the affected area directly are most effective – not longer sentences.
- Studies show that strong community-police relationships are crucial to anti-crime strategies. Lengthier and unjust prison sentences erode community trust in the police, making it harder for police to solve crimes and serve victims.

The governor’s crime package will increase Maryland’s prison populations and costs:

- In FY2014, 42% of Maryland prison admissions were for crimes against persons.
- The governor’s bill would double the time that “crime of violence” offenders must serve, to 10 years in prison before parole eligibility, dramatically increasing prison costs.
- Maryland’s prison population is already at 100% capacity. Gov. Hogan’s proposed plan will raise population levels well above capacity.
- Overcrowded prisons will cause more crime by preventing successful rehabilitation and creating serious safety risks for both prisoners and corrections staff.

Enacting mandatory minimums would go against a nationwide trend of smart reform:

- States across the country have begun to move away from mandatory minimums for both violent and nonviolent crimes.
- In 2016, Florida repealed its mandatory minimum for aggravated assault with a firearm.
- Since 1994, Minnesota has used a safety valve for crimes involving a gun, allowing the court to depart from mandatory minimums if they find “substantial and compelling reasons to do so.”
- The governor’s bills would also be a step back from Maryland’s Justice Reinvestment Act of 2016, when the state, backed by credible evidence, repealed many mandatory minimum sentences for low-level offenses.

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