

Maryland Justice Reinvestment Initiative

March 2024



In FY 2014, Maryland incarcerated over 20,000 individuals, despite experiencing a 19 percent reduction in prison admissions between 2005 and 2014.^{1,2} The state was spending \$1.3 billion annually to incarcerate these individuals, a 10 percent growth in cost since 2006.^{3,4}

In response, Maryland's leadership established a bipartisan, inter-branch Justice Reinvestment Coordinating Council (Council), charged with making recommendations to reduce corrections spending and reinvest in enhancing public safety and reducing recidivism.⁵ In 2015, the Council undertook a comprehensive review of Maryland's adult justice system, with assistance from the Crime and Justice Institute (CJI) and The Pew Charitable Trusts, and with funding from Pew and the Bureau of Justice Assistance, a component of the Department of Justice's Office of Justice Programs.⁶ The Council found that the state was underutilizing noncustodial options, prison admissions were largely driven by people convicted of nonviolent offenses, and the current reentry resources were insufficient to support individuals returning to their communities.⁷

In May 2016, Governor Larry Hogan signed Senate Bill (SB) 1005 (also known as the Justice Reinvestment Act) based on the Council's findings and recommendations. SB 1005 was created to improve public safety, reduce corrections spending, and reinvest avoided costs in evidence-based strategies to reduce crime and recidivism.⁸

Maryland's JRI goals included:⁹

1. Reduce the state's prison population and corrections spending.
2. Reinvest in strategies to increase public safety and reduce recidivism.

To date, Maryland has achieved the following:

- Reduced the average daily prison population.
- Reduced the percentage of people incarcerated for theft and drug offenses.¹⁰
- Made significant state and local investments with costs averted due to a reduction in the prison population.

1. Reduce the state's prison population and corrections spending.

In its 2015 report, the Council identified three main contributors to Maryland's prison population and corrections costs: a high number of people entering prison for supervision revocation and nonviolent offenses, an increase in average sentence lengths, and increased lengths of stay.¹¹ The Council also found that Maryland's sentencing policies relied heavily on jail and prison while underutilizing **noncustodial options**.¹² Finally, the Council found that only 37 percent of individuals released from prison in 2014 were released on parole, and those who were released were often released, on average, nine months past their eligibility date.¹³ In FY 2014, Maryland spent \$1.3 billion on incarceration.¹⁴

Based on these findings, the Council made recommendations to focus prison space on those convicted of serious and violent offenses, strengthen probation and parole, improve reentry practices, support local corrections systems, and ensure oversight and accountability.¹⁵ The Council estimated that, if Maryland fully implemented the policies in SB 1005, the state would avoid \$247 million in corrections spending between FY 2017 and FY 2026.¹⁶



Noncustodial Options:

Community supervision or other options that do not require time in prison or jail.

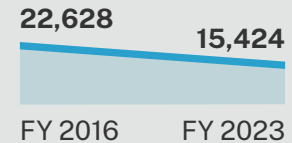
To address Maryland's prison population, SB 1005:

- Reduced the maximum imprisonment sentences for various nonviolent offenses while elevating penalties for certain serious and violent crimes.
- Raised the felony theft threshold, concentrated longer terms on higher level theft offenses, and reduced penalties for certain lower level drug offenses.¹⁷
- Allowed those convicted of specified drug offenses serving mandatory minimum sentences to appeal their sentences.¹⁸
- Eliminated the disparity between the penalties for crack and powder cocaine based on weight.¹⁹
- Capped the number of days a person with a technical violation of probation or parole could be incarcerated.²⁰
- Required judges to consider probation, based on results of a substance use assessment, to allow the person to participate in treatment.²¹

The Council projected that SB 1005 would result in a 14 percent decrease in the average daily prison population by 2026 if all recommendations were enacted.²⁴ As of 2023 Maryland has already surpassed that prediction.

Average Daily Prison Population

∨ **32% Decrease**²⁵



∨∨ **75% Decrease**

in people incarcerated for theft and for drug offenses from FY 2015 to FY 2022²⁶



The prison population reduction was driven by a **49% decrease** in admissions from FY 2014 to FY 2023²⁷

There was a drop in the number of annual releases from prison (11,339 in FY 2014 and 3,248 in FY 2023).²⁸

Some of that reduction may be attributed to the increase in average lengths of stay; the average stay in prison in FY 2021 was 8.5 years, up from 6.1 years in FY 2014.²⁹

- Established administrative parole, which allows certain incarcerated individuals to be released without a hearing if they meet certain conditions.²²
- Expanded geriatric and medical parole for people who meet certain qualifications.²³

2018-2021

2,012 individuals were screened for **administrative parole** **397** were deemed eligible

Despite this low number, the majority of those determined to be eligible have been released to administrative parole.³⁰

Implementation of SB 1005 was expected to reduce the prison population and corrections spending.



In the first 4 years after SB 1005 went into effect, the state **avoided an estimated \$3.3 million in corrections spending**.³¹

2. Reinvest in strategies to increase public safety and reduce recidivism.

The Council recommended that any funds averted by making its recommended changes be reinvested in, among other things, treatment options and county-level grants.³² This was based on the Council's finding that there was a significant gap between the behavioral health needs of individuals incarcerated and on supervision in Maryland and the treatments available to them.³³ In addition, the Council found a lack of local services and programs throughout the state, leaving incarceration as the primary option for some communities. This led the Council to recommend that a portion of avoided funds be directed to local grants.³⁴

SB 1005 took many steps to address recidivism, including:

Requiring the Department of Mental Health and Mental Hygiene to facilitate drug treatment for certain individuals, incentivizing participation in programming by expanding good time credits, allowing some individuals to expunge their criminal record, and creating certificates of completion for certain individuals who successfully complete community supervision.³⁵

In 2022, Maryland released a 3-year recidivism report for the Department of Public Safety and Correctional Services, According to the report:³⁷

Recidivism Rate Decreased

From **37.1%** in FY 2016
To **31.6%** in FY 2019

SB 1005 established a Performance Incentive Grant Fund (Fund) to distribute to state and local agencies funds saved as a result of the policy changes.³⁶ The Fund provides two types of grants:

State funding for:

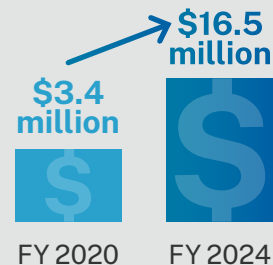
- Reentry programming and services
- Behavioral health treatment, resources, and services
- Support for victims and restitution enhancements
- Training and education
- Alternatives to incarceration

Local funding for:

- Reentry programming and services
- Behavioral health treatment, resources, and services
- Support for victims and restitution
- Alternatives to incarceration
- Pretrial services and programming

In FY 2024, \$16.5 million in Performance Incentive Grant Funds were awarded for state and local improvements, an increase of \$12.7 million since FY 2020.^{38,39}

Performance Incentive Grant Funding



Recidivism:

The earliest return to the Department of Public Safety and Correctional Services custody due to conviction for a new prison sentence, conviction to a new probation sentence, or return from community supervision.⁴⁰

Additional Accomplishments and Information Related to Reforms

- The Justice Reinvestment Act set up multiple levels of oversight for the implementation of SB 1005.
 - The Justice Reinvestment Act Oversight Board met regularly from 2017 to 2022 to monitor the progress and compliance of the implementation of the recommendations of the Justice Reinvestment Coordinating Council and the Act. The Board is pending appointments currently. The Board is pending appointments currently, and will meet once those appointments are made.⁴¹
 - The Justice Reinvestment Advisory Board, established to provide advice to the Justice Reinvestment Oversight Board, started meeting in 2017 and continued to meet in 2024.⁴²
 - The Local Government Justice Reinvestment Commission, which represents Maryland counties, is charged with making recommendations regarding grants to local governments and creating measures to assess the effectiveness of the grants. The Commission started meeting in 2017 and continued to meet in 2024.⁴³
- SB 1005 required the Division of Parole and Probation to create and use a matrix to guide the use of incentives and sanctions. An average of 1,091 individuals received sanctions from the matrix between 2018 and 2020. This increased to 1,188 individuals in 2022.⁴⁴



The Justice Reinvestment Initiative (JRI) is a data-driven process funded through a public-private partnership between the Bureau of Justice Assistance (BJA), a component of the Department of Justice's Office of Justice Programs, and The Pew Charitable Trusts. JRI aims to improve public safety by helping states make their justice systems more fair, effective, and efficient as they direct resources to address the complex factors that drive crime and recidivism.



The Crime and Justice Institute (CJI) has more than a decade of experience as a JRI technical assistance provider, supporting states through assessing strengths and needs, conducting data analysis, facilitating policy development, and assisting with implementation.

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