

The Sentencing Project

Criminal Justice Issues and Prisoners' Rights

<https://www.sentencingproject.org/news/maryland-make-parole-meaningful-part-sentencing/>

Public Facing Advocacy Writing

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The U.S. prison population has been declining in recent years, but the United States still has a higher percentage of its citizens incarcerated than any other industrialized country. Growing bipartisan support for reforming the \$80 billion prison system and developing alternatives to mass incarceration has focused mostly on sentencing alternatives for people convicted of non-violent offenses.

But as crime rates have dropped and prison populations fallen, the number of people serving life sentences has more than quadrupled since 1984. By 2012, one in nine people in U.S. state and federal prisons nearly 160,000 people was under a life sentence. Two factors have driven this growth: the increasing imposition of life sentences and the growing reluctance to grant parole to the 110,000 whose sentences allow it.

Criminologists generally agree that incarcerating people after they have aged out of crime serves little public safety purpose and ties up funds that could be better used to prevent crime. The person incarcerated for murder at the age of 19 is likely to be much less of a risk by the time he turns 35 or 45. It costs an estimated \$31,000 per year to house a person in prison, with the cost for older prisoners often double that amount.

Maryland is an intriguing case. The number of people held in Maryland prisons has dropped from a peak of 22,780 in 2007 to 20,408 in 2015 because legislators, judges and others in the system have opted for drug courts, treatment and other alternatives to imprisonment. But of the 10 percent of Maryland's prison population serving a life sentence that allows for parole, not a single lifer was paroled between 1996 and 2014, and only a handful have had their sentences commuted.

Parole-eligible lifers face three major hurdles, as [described in a new report](#):

First, they are required to serve a minimum of 15 years, and in some instances 25 years, before even being considered for release.

Second, the Parole Commission must recommend them for parole. Between 2006 and 2014, only five such recommendations were made.

Finally, Maryland is one of only five states where governors must approve the parole commission recommendation before an individual serving a life sentence can be paroled. Following a high-profile murder in 1993, Gov. Parris Glendening began [denying all lifer parole applications](#). [Glendening later publicly expressed](#) regret about his approach, but subsequent governors have followed his lead.

Last December, Gov. Larry Hogan (R) freed a man after half a century in prison for a murder he committed at age 21. The three governors in office between 1996 and 2014 Glendening, Robert Ehrlich and Martin O'Malley commuted just eight cases, but accepted none of the Parole Commission's parole recommendations.

In contrast, 26 Marylanders with life sentences were paroled between 1990 and 1995.

In 2012, the Maryland Court of Appeals found in *Unger v. State* that a jury instruction used by Maryland courts until 1981 had denied defendants due process. Since then, more than 130 elderly lifers have been released. The successful integration of these individuals who would have remained imprisoned if not for this decision shows how far Maryland's lawmakers, the Parole Commission and the governor have overshot in their punitive approaches to crime.

People serving life sentences have been convicted of serious crimes. Their incarceration is intended to protect society and provide appropriate punishment. But many were sentenced at a time when life with the possibility of parole meant consideration for release after a much more reasonable period of time than is the case today. Continuing to incarcerate those who have aged out of the high-crime years is ineffective and wastes funds that could be re-directed to other priorities. It's time for Maryland to restore hope for deserving prisoners and fairness into the sentencing process.

Nazgol Ghandnoosh is a research analyst at the Sentencing Project, where she authored [Delaying a Second Chance: the Declining Prospects for Parole on Life Sentences](#).

You can also read the full commentary in [The Washington Post](#).

Sentencing Policy

Black men born in 2001 can expect to go to prison in their lifetime

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