



History Made: Maryland Equitable Justice Collaborative (MEJC) Passes Recommendations to Address Mass Incarceration of Black Marylanders in State Prisons and Jails

For Release: December 12, 2024

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Maryland has the nation's highest percentage of Black people in its prisons when compared to the general population. To address this crisis, the [Maryland Equitable Justice Commission \(MEJC\)](#) approved today recommendations for legislative and agency reforms, program development, data collection, and other measures designed to reduce the mass incarceration of Black men and women and other marginalized groups in Maryland prisons and jails.

While Black Marylanders make up about 30% of the state's overall population, 71% of people incarcerated in Maryland correctional facilities are Black Marylanders. This impact of this incarceration is enormous, disrupting housing, employment, family systems, and both individual and community health and well-being.

Today's 18 recommendations are designed to tackle long-seeded issues that have contributed to Maryland's high incarceration rates and racial disparities throughout the legal system. They are the culmination of a pioneering partnership between Maryland Attorney General Anthony Brown and Maryland Public Defender Natasha Dartigue, who, together, established the MEJC in October 2023.

The MEJC is a collaborative with more than 40 stakeholder members from the government, private sector, and the community, as well as two academic partners: The Judge Alexander Williams, Jr. Center for Education, Justice & Ethics and the Bowie State University Institute for Restorative Justice.

The recommendations, listed below, were developed by the following work groups of Collaborative members focused on areas known to impact incarceration rates:

MEJC Work Groups

<ul style="list-style-type: none">• Criminal Law and Sentencing Reform• Health and Human Services• Education, Workforce Development and Economic Opportunity• Law Enforcement Policies and Practices	<ul style="list-style-type: none">• Prison, Jail and Detention Facility Reform• Promoting Successful Reentry and Preventing Reincarceration• Youth Justice Reform
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“No single person created mass incarceration, and no single person can correct its devastating effects on communities of color across Maryland. That is a job for prosecutors and defense attorneys, academics and legislators, law enforcement, the judiciary, and reformers, all of whom participated in the Maryland Equitable Justice Collaborative,” **said Attorney General Anthony G. Brown.** “These recommendations are a crucial first step in making our State fairer, and safer, for all. Just as this crisis has harmed Black communities for decades, our efforts will impact Maryland families for generations, helping them heal from the trauma of mass incarceration. We must end mass incarceration and eliminate the racial biases and disparities in our criminal legal system.”

From Public Defender Natasha M. Dartigue: “The impact of mass incarceration extends far beyond the restrictive, steel bars to crippling the financial, social and emotional growth of families and communities. The ripple effect of prioritizing punitive policies and practices over data-driven approaches, coupled with racially disparate implementation, has irreparably damaged individuals and devastated communities. High incarceration rates contribute to weakened community ties, less social cohesion and a reduced workforce population. By disrupting the cycle of poverty, trauma and instability, the recommendations are an important first step in creating reform that both tackles mass incarceration and promotes public safety. I applaud the MEJC members for the tremendous dedication shown, expertise shared, and teamwork championed.”

The recommendations are:

1. Conduct a statewide assessment to find gaps in Maryland's crisis response systems. Based on the assessment's results, develop ways the state can help counties improve their use, implementation, and expansion of alternative crisis response models and infrastructure.
2. Pass legislation to end non-safety-related traffic stops; enhance data reporting requirements and include data on race and gender; re-examine the use and efficacy of

consent searches to reduce unnecessary interactions with police and allow for more appropriate utilization of law enforcement.

3. Scale the impact and success of cognitive behavioral theory training programs and mandate that all sworn police officers in Maryland receive the training.
4. Conduct a qualitative and quantitative analysis of each step in the criminal legal process – from arrest to parole – to understand the impact of racial and geographic disparities in Maryland’s adult prison population.
5. Develop and adopt a Sentencing Pilot using a needs-based, case management approach in collaboration with the Division of Parole and Probation in at least two Maryland counties.
6. Reduce unnecessary pretrial confinement by changing the district court discovery rules so that prosecutors must give discovery to the defense within a reasonable timeframe, developing a uniform civilian complaint review process across all State’s Attorney’s Offices, and allowing defendants to waive their right to a bail review hearing.
7. Develop a pilot program to improve access to trauma-informed mental health treatment for people incarcerated in Maryland’s jails and detention centers.
8. Incentivize primary care physicians to conduct Adverse Childhood Experiences screening with community-led follow-up interventions.
9. Increase the number of people eligible for earlier parole consideration due to serious medical conditions and having reached an age where they no longer pose a threat to public safety.
10. Enhance the transparency, consistency, and efficacy of parole decisions by allowing access to the materials and justifications relied upon for decision-making, developing clear guidance on the application of factors impacting release, identifying actions or steps that incarcerated people can take to improve their chances for release, surveying the services available to incarcerated people upon release, and publishing detailed reports on the Maryland Parole Commission’s activities.
11. Pilot an Emerging Adults Program (ages 18-25) that creates protocols geared toward community building and intensive services to improve post-release success and prevent future system involvement.
12. Expand and improve community-based reentry programming by creating a protocol to share specific service needs of people who are incarcerated; collecting and publishing data on the effectiveness of reentry services; ensuring that all state facilities offer reentry services; increasing funding for successful reentry programs; and expanding community-based reentry programs’ access to incarcerated people 180 days before their reentry date.
13. Expand access to Second Look laws that empower judges to reduce or modify sentences, but not increase, under specific conditions. These laws should prioritize rehabilitation, requiring judges to assess an individual’s progress, ensure they pose no danger to society,

and act in the interests of justice. Decisions must be based on personalized evaluations of behavior and efforts toward reform. Additionally, victims and their representatives should be treated with respect, granted notice of proceedings, allowed to attend and provide input, and offered protective measures like no-contact orders if probation is imposed.

14. Conduct a comprehensive study on the financial obligations imposed on individuals under probation and parole and their impact on successful reentry.
15. Address the rising criminalization of in-school behavior by tracking and analyzing data trends in school-based arrests, enhancing implicit bias training, and revising discipline and criminal justice policies.
16. Amend the compulsory school attendance requirements to allow justice-involved youth to complete their high school requirements through the GED process.
17. Limit the automatic charging of children in adult criminal court.
18. Review the training requirements of judges and magistrates to ensure that their decisions are supported by a comprehensive and working knowledge of implicit bias, cultural competency, adolescent brain development, adverse childhood experiences, trauma, and other important considerations. A summary of the current training requirements and materials involved should be made available for public review.

A report detailing the need for these recommendations, the best practices they rely upon, and suggestions for implementation is due to be released in early 2025.

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<https://www.marylandattorneygeneral.gov/press/2024/121224.pdf>