



**Testimony for the Senate Judicial Proceedings Committee  
February 9, 2011**

**SB 172 –Inmates – Life Imprisonment – Parole Approval**

AMERICAN CIVIL  
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The ACLU of Maryland urges you to issue a favorable report on SB 172. This bill seeks to ensure that the recommendations of the Maryland parole commission are given the effect they are due by eliminating the need for the Governor's office to sign off on recommendations for persons serving life sentences. Requiring the Governor to approve these decisions inappropriately politicizes them. Rather, the parole commission, which has the most expertise in this area, should remain responsible for this decision as they are with other prisoner parole decisions.

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In Maryland, prosecutors can choose whether to seek life with the possibility of parole or life without parole. This bill only affects those who were sentenced with the understanding that they would have an opportunity for parole. Of this group, we have more than 2,300 people serving parole-eligible life sentences in Maryland. About 49 of those people have earned—and it is hard-earned—the parole commission's recommendation for release, but remain behind bars. For each of these people, the parole commission has reviewed voluminous files, invited victim impact statements, and, most importantly, interviewed the person seeking parole. Those extensive reviews are condensed into a short packet that goes to the Governor's office. The Governor and his staff do not meet and speak with the person whose record is before them.

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Perhaps this is why the current Governor has not approved any of the people that the parole commission has recommended for release. Etta Myers, for example is serving a life sentence for knocking on a door for her boyfriend—and has served 33 years in prison. She has been recommended for parole multiple times. Tamra Settles file is thick with certificates of achievement and recommendations from those who have worked with her or supervised her. She, too, has been recommended for parole on multiple occasions but has not been granted it by the Governor's office. Her co-defendant was released fifteen years ago.

In the years since these two women were first recommended for release, the state has spent roughly \$33,000 per year for each woman to turn middle-aged in prison. In this fiscal climate, especially, spending scarce state dollars this way cannot be justified.

Neither woman poses a threat to public safety; both spent years on work-release in the 1990s without incident. They worked in the community, paid taxes and

otherwise contributed to society when given the opportunity. Both have stellar recommendations from the staff who have supervised them over the years. Neither case presents a situation where victims or family members have voiced objection to release. After all these years behind bars—nearly 60 years combined—there can't be any question about whether these women have been punished. The question that needs to be asked is what purpose is served by keeping these women locked up?

In Maryland, women account for 10% of our lifer population; more than 3 times the national rate of 3%.<sup>1</sup> Just as troubling, Maryland is third in the nation in terms of the percentage of lifers who were juveniles at the time of their offense; about 12% of individuals serving life sentences were juveniles at the time of their offense.<sup>2</sup> These people—whose sentences explicitly contemplated the possibility of parole—deserve a chance to redeem themselves.

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No one is better poised to make that judgment than the parole commissioners, who are appointed by the Governor and who conduct face-to-face interviews with potential parolees because we recognize that fairness and good policy require it. In the words of one lifer, “All the Governor knows is the file on his desk. These four pages can't say who I am. How can he possibly know me from that paper? To him, I'm a concept. But I'm more than that. I'm a human being.”

For these reasons, we urge you to issue a favorable recommendation for SB 172.

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<sup>1</sup> The Sentencing Project, *No Exit: The Expanding Use of Life Sentences in America*, p. 3. July 2009; Richard O'Mara, “The Unreleased.” *The Urbanite*, December 1, 2010.

<sup>2</sup> The Sentencing Project, *No Exit: The Expanding Use of Life Sentences in America*, p. 18. July 2009.