



**Testimony for the House Judiciary Committee  
March 10, 2011**

**HB 964 – Criminal Law – Recidivism Reduction Pilot Program**

AMERICAN CIVIL  
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Good afternoon Chairman Vallario and members of the Committee. Thank you very much for the opportunity to testify today on HB 964 which would require the Division of Parole and Probation to establish a program that results in at least 50 percent of individuals on probation and parole to be supervised using evidence-based practices that result in lower rates of recidivism. I urge your support for this important legislation.

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Background

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Of the more than 600,000 individuals released from state and federal prisons each year, nearly two-thirds are rearrested within three years of their release. Approximately one-third of people admitted to prison are there for technical parole and probation violations, including missed appointments with parole officers or failing drug tests. In Maryland, that number is higher than the national average – we incarcerate more people for lesser violations. These are not individuals who are a danger to our community and yet they are taking up precious space in our overcrowded and overstrained prisons and costing us a large amount of money to incarcerate.

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There have been huge strides made in community supervision over the past decade. We now have sophisticated risk assessment tools which HB 964 would require Maryland to use in case management. These new tools allow us to assess who is more at risk of recidivism and who needs additional resources. We can then focus more of our time and energy on those individuals at a higher risk for recidivism. Lowering recidivism rates, particularly for technical violations such as missed meetings will allow us save money in our corrections system.

Save Taxpayer Dollars

I'm sure there are some of you who read this bill and are concerned about the cost of this proposed program. However an expanded probation and parole program will offer drastic savings in the long run as we incarcerate fewer individuals for parole and probation violations. Incarceration is far more expensive than community supervision. In Maryland one day of incarceration costs \$86.01, the equivalent of 18 days of probation and parole. For every dollar we spent on prisons in 2008, we only spent 14 cents on probation and parole.

## Success in Other States

We urge the reforms outlined in the bill based on the success of many other states that have implemented similar reforms.

In **Hawaii** they implemented a program known as HOPE, Hawaii Opportunity Probation with Enforcement. Preliminary study results show that HOPE participants were “less than half as likely to test positive for drugs (11 percent versus 26 percent) or miss appointments (5 percent versus 12 percent). Early results from a matched comparison group study were even more promising. Arrest rates for HOPE probationers were three times lower than for the comparison group, and they experienced significantly lower revocation rates as well (9 percent versus 31 percent).”<sup>1</sup>

**Kansas** is another state that has implemented successful reforms to their community corrections. Before they began reforming their system close to two-thirds of their prison admissions were for individuals on parole and probation. Aware of the need to reform their broken system, Kansas began a performance based grants program for community supervision programs that increased their success rates by 20 percent. In just a few years there has been measurable success. The state’s “prison population dropped 3.6 percent between midyear 2007 and year end 2008. A primary contributor to this drop is a 7 percent reduction in FY2008 of the number of probationers sent to prison for condition violations (the top source of prison admissions in FY2007).”<sup>2</sup>

We hope you make the sound fiscal decision and the sound safety decision and support HB 964. Thank you for your time.

## Suggested Amendments

We respectfully suggest two amendments to the bill.

In Section 6-302, Section B, part 2 reads as follows.

“Use of assessment scores and other objective criteria to determine the risk level and program needs of each supervised individual and to prioritize supervision and program resources for offenders who are at higher risk to reoffend;”

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<sup>1</sup> *One in 31. The Long Reach of American Corrections.* Pew Center on the States. 2009.

<sup>2</sup> *One in 31. The Long Reach of American Corrections.* Pew Center on the States. 2009.

We are concerned that objective criteria can be used in a racially discriminator way. We urge the Committee to amend Section 6-302, Section B, part 2 to read

“Use of assessment scores and other objective criteria **unrelated to race or ethnicity** to determine the risk level and program needs of each supervised individual and to prioritize supervision and program resources for offenders who are at higher risk to reoffend;”

Section 6-305, Section 3 reads:

“AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011. It shall remain effective for a period of 4 years and 3 months and, at the end of December 31, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”

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It would be a shame if this pilot program ended without an overall review and evaluation of the program given to the Legislature, as opposed to merely the annual reviews. We urge the Committee to amend the section to require the Division of Probation and Parole to report their multi-year findings on the recidivism reduction program to the Maryland Legislature within six months of the completion of the pilot program.