



Testimony for the House Judiciary Committee

HB 1248 - Parole and Probation – Earned Compliance Credits

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The ACLU of Maryland urges a favorable report on HB 1248, a bill to allow earned compliance credits for individuals on probation or parole. HB 1248 is a strong step in the right direction to address the serious problem of over-incarceration in Maryland that costs taxpayers over \$1.1 billion per year to maintain. This bill would allow the state to cut prison costs and reduce the prison population without endangering the safety of our communities.

HB 1248 creates an incentive system that rewards compliance and success. In doing so, it targets probationers and parolees who are low to moderate risk based on development of a case plan that takes into account specific criminal risk factors. Those persons who are low risk and already in compliance with their terms of supervision would be able to complete their time on supervision faster through earning compliance credits. Those who are moderate risk will improve on their compliance and success rates as they respond positively to the incentive based system. This also allows the Department to focus its programs and resources on the high risk offenders who require the greatest amount of supervision and services.

Good time credit for incarcerated individuals exists in Maryland and most states. Under these laws, a prisoner earns credit for good behavior, expediting release. Increasingly, states are expanding this concept to provide earned compliance credit for individuals on parole or probation. Such laws help to reduce prison populations.

Approximately one-third of people admitted to prison are there for technical parole and probation violations, including missed appointments with parole officers or failed 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. Providing earned compliance credits would mean less time spent on parole or probation for many and this would decrease the chance of having parole revoked for a technical violation and ending up back in prison.

It costs states millions of dollars to incarcerate individuals who have not committed new crimes. It is also costly just to continue to keep people on probation or parole. The fiscal analysis for this bill states that Maryland is now spending \$1550 per month for supervision of probationers and parolees and that in 2010 about 26,000 cases resulted in warrants and summons being issued for technical and/or new offense violations. Earned compliance credit for parole or probation would reduce the state's costs of supervising individuals who have complied with the conditions of parole or probation. Further, rewarding parolees/probationers with good time credit encourages compliance and rewards good behavior, rehabilitating parolees/probationers and integrating them into society. In Nevada, which has been doing this the longest, it has resulted in increasing successful parole/probation completion rates, lowering its parole/probation populations, reducing the number of violations, and reducing its prison populations all while Nevada's crime rate has continued to decline; it is now where it was in 1962.

Releasing low-risk parolees and probationers will not compromise public safety. Studies have shown that the majority of individuals have parole revoked for technical violations, not for new crimes.

Incarcerating individuals that have not committed new crimes and pose no new risk to public safety costs states thousands of dollars. In 2000, California had nearly 90,000 parolees returned to prison.ⁱ Of these, approximately 72,000, or 80 percent, were for technical violations.ⁱⁱ It costs California an average of \$47,000 per year to incarcerate an inmate.ⁱⁱⁱ A Department of Justice Report revealed that 35 percent of *all* prison admissions in 2006 were for offenders returned to prison for parole violations, not for new convictions.^{iv}

Lastly, this bill helps to ensure public safety by allowing for the forfeiture of good time credits for those who are not following their probation or parole guidelines, thus ensuring that those who need continued supervision will get it.

Accordingly, we urge a favorable report on HB 1248.

ⁱ Urban Institute Justice Policy Center, *California's Par*, Jeremy Travis & Sarah Lawrence 2, (Aug. 2002), available at http://www.urban.org/uploadedPDF/CA_parole_exp.pdf.

ⁱⁱ These figures were calculated using data provided in the Urban Institute Justice Policy Center's report, *California's Par. See id.*

ⁱⁱⁱ Legislative Analyst's Office, California's Nonpartisan Fiscal and Policy Advisor, *California's Annual Costs to Incarcerate an Inmate in Prison*, http://www.lao.ca.gov/laoapp/laomenus/sections/crim_justice/6_cj_inmatecost.aspx?catid=3.

^{iv} William J. Sabol and Heather Courture, *Prison Inmates at Midyear 2007* (Bureau of Justice Statistics Bulletin NCJ 221944) (Washington, D.C.: Bureau of Justice Statistics, June 2008), 5.