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OP-ED OPINION

Md. public defender, prosecutor both back criminal justice reforms

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By PAUL DEWOLFE and SCOTT SHELLENBERGER

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We are two unlikely allies on criminal justice reform: a longtime public defender and a longtime prosecutor. Although we represent opposing sides of a criminal case, and often opposing sides of policy battles, we both believe strongly in justice and public safety, and we want the best for Maryland citizens. It is these common beliefs that bring us together now to back the Justice Reinvestment Act (SB 1005/HB 1312), a data-driven, evidence-based policy package, which we are proud to have helped develop.

Maryland's 2015 General Assembly created the bipartisan, inter-branch Justice Reinvestment Coordinating Council to develop recommendations that would hold offenders accountable while reducing the state's non-violent incarcerated population and controlling corrections spending to then invest in strategies to increase public safety and reduce recidivism. For six months, we served on this council along with legislators, judges, prison officials and other stakeholders in the system. We analyzed 10 years of state corrections and sentencing data to better understand who we have been sending to prison, for how long and why. We also

looked at the state's capacity to support alternatives like drug and mental health courts and residential drug treatment. Here's what we found.

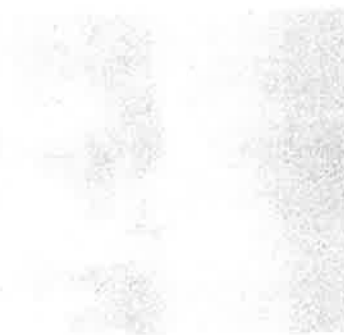
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First, we found a state that has been doing a lot right. In the past decade, Maryland has achieved declines in both its incarceration and crime rates. This is a trend that should be lauded. However, our state still incarcerates more than 20,000 offenders in state prisons, spending \$1.3 billion a year on corrections.

As we dug into the data, we saw that nonviolent offenders make up more than half (58 percent) of admissions to prison each year. We also found that Maryland offenders are spending 23 percent longer in prison than they were a decade ago, due to sentences handed down from the courts (average sentence length is up 25 percent in the last decade) and release practices (just 37 percent of inmates are released on parole).

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Meanwhile, we noted significant gaps in treatment, specialty courts and re-entry programs. The state is seriously lacking in veterans' courts, drug treatment courts, drug treatment beds and proper community mental health services. For example, offenders ordered by the court to residential drug treatment beds are waiting in prison or jail prior to placement for an average of 167 days. Citizens with serious mental health problems are overloading our local jails for want of community treatment beds.

After much study and discussion, we developed 19 consensus recommendations that would focus prison beds on violent and serious offenders, strengthen probation and parole supervision, improve release and re-entry practices, support local corrections systems, and ensure oversight and accountability. Taken together, these recommendations will safely reduce our state's prison population by 14 percent from its current level, freeing up \$247 million over the next decade to be reinvested in treatment, community supervision, reentry and other recidivism-reduction programming.

We encourage policymakers to adopt these thoughtfully developed recommendations and learn from other states that have used data and research to create a better criminal justice system. This process of "justice reinvestment" — saving money on prisons to reinvest in evidence-based alternatives — has been successful in many other states, including Oregon, Georgia, Pennsylvania and Mississippi.

The council produced a strong set of recommendations, a strong bipartisan moment and a rare consensus between these two practitioners. We are pleased to throw our full support behind the Justice Reinvestment Act, and we urge Maryland legislators to do the same.

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