

Maryland Equitable Justice Collaborative

Breaking the 71%:

**A Path Toward Racial Equity
in the Criminal Legal System**



Executive Summary

Maryland's criminal legal system has decreased in size by almost every measure.¹ Arrest rate, jail population, prison population, and the number of people on parole and probation² are all on the decline³ and below the national average.⁴ However, these gains obscure a troubling reality: racial disparities within the system remain stark and, in some instances, have worsened.⁵ Maryland's Black population, which constitutes only 30% of the State's residents, represents a disproportionate segment of those entangled in the criminal legal system. Alarming, Black people account for 51% of arrests,⁶ 59% of the jail population,⁷ 71% of the prison population,⁸ 71% of the parole population,⁹ and 53% of the probation population.¹⁰ This persistent racial injustice highlights the urgent need for reform within the system to address these inequities.

About MEJC

MEJC is a joint initiative led by the Office of the Attorney General (OAG) and the Maryland Office of the Public Defender (MOPD) to address the racial disparities in the incarceration of Black people in Maryland prisons and jails. MEJC's existence is a recognition that Maryland's decarceration efforts have not reduced the glaring racial disparities in our criminal legal system and that we must abandon the outdated notion that they will. MEJC's recommendations also acknowledge that the current criminal legal system produces inequitable results for Black people and, without radical change, will continue to do so at alarming rates. Therefore, MEJC has taken a clear-eyed look at current policies, informed by historical and systemic injustices, which directly contribute to the disproportionate outcomes and harm to Black people in Maryland's criminal legal system.

The data and statistical findings in this first annual report reveal much more than numbers; they represent real lives impacted by a system that too often fails our children; disproportionately punishes Black people and other communities of color; and neglects basic human dignity in our prisons and jails. In this report, MEJC, in partnership with policy experts, educators, and community voices, presents clear, urgent recommendations that could reverse these inequities. This is a pivotal moment for Maryland's criminal legal system. MEJC presents the opportunity to confront these unfair outcomes head-on and build a system that reflects Maryland's highest values of fairness, community, and opportunity.

RECOMMENDATIONS

In recognition of the all-encompassing nature of racial disparities in our criminal legal system, MEJC's recommendations address comprehensive aspects of an impacted person's experience, from how and why a person first encounters law enforcement to how the system supports or does not support a person's journey back from incarceration. All recommendations are rooted in data and evidence that clearly demonstrate (1) the inefficiencies or inadequacies of our current policies, (2) the disparate outcomes for Black people because of the status quo, and (3) the efficacy of the recommended solutions. The recommendations in the following report are summarized here:

LAW ENFORCEMENT POLICIES & PRACTICES

1. **Reduce unnecessary police interactions in crisis response and enhance evidence-based resources:** 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 the use, implementation, and expansion of alternate crisis response models and infrastructure.

Anticipated Impact: Reduces unnecessary police involvement in mental health crises, disproportionately impacting Black people, and decreases the likelihood of escalation during crisis situations.

2. **Reduce unneeded police interactions with the public:** Enact 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.

Anticipated Impact: Mitigates racial profiling during routine stops, reducing the over-policing of Black communities.

3. **Decrease police use of excessive force and improve their interactions with the public:** Scale the impact and success of cognitive behavioral theory training programs and mandate that all sworn police officers in Maryland receive the training.

Anticipated Impact: Builds trust in law enforcement while reducing violence against marginalized communities, particularly Black people who are disproportionately victims of excessive force.

CRIMINAL LAW & SENTENCING

4. **Study the drivers of racial disparities in the criminal system:** Conduct a qualitative and quantitative analysis of each step in the criminal legal process — from arrest to sentencing and parole — to understand the impact of racial and geographic disparities in Maryland's adult prison population.

Anticipated Impact: Identifies systemic inequities and informs targeted interventions that address racial biases in arrests, charging, and sentencing.

5. **Expand alternatives to incarceration:** 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.

Anticipated Impact: Diverts individuals from incarceration to rehabilitation, reducing disproportionate sentencing for Black people and addressing the root causes of criminal behavior.

6. **End unnecessary pretrial detention:** Reduce unnecessary pretrial confinement by changing the District Court of Maryland 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.

Anticipated Impact: Reduces pretrial jail populations, where Black people are overrepresented, and alleviates the economic and social burdens of prolonged detention.

HEALTH & HUMAN SERVICES

7. **Increase mental health services in jails:** Develop a pilot program to improve access to trauma-informed mental health treatment for people incarcerated in Maryland's jails and detention centers.

Anticipated Impact: Addresses untreated mental health needs, which disproportionately affect incarcerated Black people, by offering rehabilitative solutions instead of punishment.

8. **Early identification of behavioral health needs:** Incentivize primary care physicians to conduct Adverse Childhood Experiences (ACEs) screening with community-led follow-up interventions.

Anticipated Impact: Prevents entry into the criminal system by addressing childhood trauma early, reducing the pipeline to incarceration for Black youth.

PRISON, JAIL & DETENTION FACILITY REFORM

9. **Increase access to geriatric and medical parole:** 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.

Anticipated Impact: Reduces the over-incarceration of aging Black people, who are disproportionately represented in long-term sentences. Offers compassionate release for elderly and ill inmates, addressing racial disparities and reducing the economic burden of unnecessary incarceration.

10. **Improve the parole process:** 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.

Anticipated Impact: Creates accountability and reduces racial bias in parole decisions. Transparent processes ensure that Black people, who often face harsher

parole outcomes, have equitable opportunities for release and successful reintegration.

11. **Lower recidivism through targeted services for young adults:** Expand 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.

Anticipated Impact: Disrupts cycles of incarceration and provides pathways to success for young Black adults, who are among the most vulnerable age groups.

PROMOTING SUCCESSFUL REENTRY

12. **Augment community-based reentry programming:** 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.

Anticipated Impact: Improves outcomes for Black people reentering society, who face higher rates of unemployment, homelessness, and stigma. Expanding reentry programs reduces recidivism by addressing key barriers to successful reintegration, including access to housing, education, and employment support.

13. **Review of long sentences:** Expand access to Second Look laws that empower judges to reduce or modify, but not increase, sentences 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.

Anticipated Impact: Addresses disparities in excessive sentencing for Black incarcerated people, offering opportunities for release to those who have demonstrated rehabilitation and readiness to contribute positively to their communities.

14. **Study fines and fees:** Conduct a comprehensive study on the financial obligations imposed on individuals under probation and parole and their impact on successful reentry.

Anticipated Impact: Reduces financial burdens that disproportionately harm low-income Black people, removing a key barrier to successful reentry.

EDUCATION, WORKFORCE DEVELOPMENT & ECONOMIC OPPORTUNITY

15. **Stop criminalizing school behavior:** 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.

Anticipated Impact: Disrupts the school-to-prison pipeline for students, ensuring that minor disciplinary issues do not lead to incarceration.

16. **Improve GED rates for justice-involved children:** Amend the compulsory school attendance requirements to allow justice-involved youth to complete their high school requirements through the GED process.

Anticipated Impact: Provides equitable educational opportunities for incarcerated children, increasing their chances of employment and reducing recidivism.

YOUTH JUSTICE REFORM

17. **Limit the automatic charging of children in adult criminal court:** Restrict laws that allow for the automatic adult charges to more serious felonies or provide more opportunities for judicial review before transferring children to adult court.

Anticipated Impact: Reduces the number of Black children who are disproportionately charged as adults, preventing lifelong consequences, such as harsher sentences, fewer rehabilitation opportunities, and ongoing stigmatization.

18. **Expand judicial training on implicit bias and cultural competency:** 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.

Anticipated Impact: Ensures fairer treatment of Black people in courtrooms by addressing disparities in sentencing and judicial discretion.

CALL TO ACTION

This is a pivotal moment for Maryland's criminal legal system. The statistical findings in this report reveal not just numbers but also stories of real lives impacted by a system that too often fails our children, disproportionately punishes our communities of color and other disadvantaged groups, and neglects basic human dignity in our prisons and jails. In this report, MEJC offers practical and impactful recommendations that confront these inequities head-on and build a system that reflects Maryland's highest values of fairness, community, and opportunity.

Most importantly, meaningful change cannot and will not happen without public advocacy. This movement calls on people, advocates, and public leaders alike to recognize the reality Maryland faces and push for reforms. These recommendations are more than policy proposals – they are a roadmap for Maryland where every community can thrive. Here's how to advocate for change:

1. **Amplify the Truth:** Engage with these findings, talk about them, and share them. When our communities know the truth, we gain the power to collectively demand accountability and push for real reform.
2. **Invest in Community Power:** Support organizations and local leaders who already fight to keep youth out of the system, advocate for fair sentencing, and demand humane treatment in Maryland's prisons. Change grows from the ground up, and individual support strengthens the collective voice.
3. **Press for Legislative and Other Policy Changes:** Every voice matters to Maryland's law- and policymakers. Contact representatives and demand that they stand by these recommendations to bring equity, dignity, and common sense to our justice system.
4. **Stay Vigilant, Stay Engaged:** Transformation is a journey. Follow up on the progress of these reforms, hold leaders accountable, and keep pushing forward. Change doesn't end with a signature – it lives in our shared commitment.

With advocacy and action, the tide in Maryland can be turned. Every action, every voice, and every commitment to justice adds strength to this movement. Join us!