

## **Experiences with and Recommendations for the Maryland Parole Commission**

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Student attorneys represent several individuals with parole matters before the Maryland Parole Commission (MPC). We frequently interact with the MPC, often multiple times per week. We have collaborated with our fellow student attorneys to develop this memorandum to provide context for our communications with the MPC.

This memorandum features specific anecdotes collected from student attorneys and offers two suggestions to improve mechanisms involving the MPC. We hope it is helpful in developing MPC processes which are fair, defined, and transparent.

### **SUGGESTIONS:**

#### **1. The MPC should provide more substantive status updates to individuals involved in the parole process.**

As student attorneys representing clients through the parole process, we proactively contact the MPC for status updates on our clients' cases and request information about parole hearing schedules. However, the MPC does not readily share information or provide explanation of MPC processes.

When student attorneys call the MPC for status updates, the MPC will only state whether an individual is under review or not under review. The MPC refuses to give any more detailed information. Such a practice allows for confusion and false hope. For instance, if the MPC says that an individual is no longer under review, it could mean that the individual was denied parole and referred for a rehearing, scheduled for a risk assessment, or received a favorable recommendation from the MPC and was passed along to the Governor's legal office—three drastically different scenarios.

Moreover, the MPC does not share status updates with the individuals voluntarily—meaning individuals are not notified when they have progressed or been halted in the process. For example, individuals are not notified of the results of their risk assessments.

In addition, neither the individuals nor we, as student attorneys, have access to the full risk assessment report. The MPC only provides the risk assessment score, without the underlying information and analysis that leads to the score. Therefore, attorneys (and individuals) who wish to challenge the risk assessment are disadvantaged by the lack of information provided.

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Further evidencing the MPC's lack of transparency is the communication involved with scheduling a parole hearing. As one example, the MPC has set "target dates" for parole hearings, but hearings have been scheduled nearly one year after the "target dates" have passed. It is our understanding that these "target dates" are rarely met.

In order to navigate a complex system like the Maryland parole process, individuals need access to information about their place in line, the status of their assessments, and when next steps and actions will occur. The MPC should develop a more proactive, transparent, and responsive way of communicating this vital information to individuals and their attorneys. The MPC set also realistic "target dates" for parole hearings, and those dates should closely follow the parole eligibility date. It should not be the case that "target dates" are rarely met.

**2. When the MPC denies an inmate's request for parole, the MPC should write a detailed explanation of the Commissioners' reasoning.**

In our experience, the MPC's written decisions denying parole do not provide detailed explanations that fully inform the individual of all of the reasons for denial. Rather, the assigned Commissioners provide perfunctory information and then state, with no supporting evidence, that they "considered the juvenile factors."

The Commissioners should offer more details that explain their decisions. These details would not only demonstrate that the Commissioners undertook a rigorous review, but would also put individuals on notice of the improvements they need to make and demonstrate moving forward, for a subsequent parole conference. Thus, if the rationale is that individuals need to reform specific behaviors, show proof of education and rehabilitation, learn additional skills, or evidence different factors in their next parole hearing, the MPC should not hide these requirements from individuals and their attorneys but rather explain the specific reasons why the Commissioners denied parole. Quite simply, for parole to be the "meaningful opportunity" that is legally required, individuals must be put on notice of the steps they need to take to best position them to realize the opportunity.

**CONCLUSION:**

Information does not flow easily from the MPC—neither directly to the individuals in the parole process nor to the attorneys representing their clients. The MPC could better administer the parole process by providing more accurate and substantive status updates for individuals in the parole process and by providing a more detailed explanation when parole requests are denied.