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Maryland bills move state backward on crime



The Maryland legislature is considering a host of measures to reduce crime in the state. But will any of them work? (Karl Merton Ferron / Baltimore Sun)

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An Open Letter to the African-American legislators of the State of Maryland:

In recent years, a consensus has emerged that mandatory minimum sentences do much more harm than good. More than 30 states — from New York to Louisiana — have rolled back mandatory minimums for a host of crimes. Unfortunately, Maryland is considering moving in the other direction by creating new mandatory minimums for carrying loaded guns and using guns in violent crimes: House Bill 1029 and Senate Bill 122, respectively. These bills are being pushed forward on a wave of justified fear about high crime in Baltimore, frustration with a police force that seems to have lost the respect and cooperation of the people it serves, and election-year pressure to “do something,” anything, to stanch the bleeding.

We’ve been down this road before. In the 1970s and 1980s, overwhelmed first by heroin and later by crack cocaine, some African-American lawmakers in cities including New York; Washington, D.C.; and Detroit supported mandatory minimum sentences for drug and gun crimes. That earlier generation could, at least partially, plead ignorance. They were searching for an immediate response to rising crime and violence, and they couldn’t be sure what impact mandatory minimums would have on the black community. Some lawmakers — like Councilman John Ray, the author of a 1982 ballot initiative that would

bring mandatory minimums to Washington, D.C. — even though such laws would equalize sentencing for black and white defendants.

But ignorance can no longer be a defense. The evidence on mandatory minimum sentences is overwhelming. They do not prevent or deter crime. A 2003 [study](#) of Virginia’s “Project Exile” mandatory gun sentence enhancements showed that they had no impact on homicides in Richmond. A 2013 [report](#) by the Bluhm Legal Clinic at Northwestern Law School reviewed 29 similar studies, all finding no causal connection between harsher sentences and crime reductions. Mandatory minimum sentences put judges in the impossible position of sentencing people without taking into consideration individual characteristics such as a person’s mental disability, need for drug treatment, shorter criminal record or less prominent role in the offense. Worst of all, they exacerbate racial disparities in incarceration rates. [One study](#) found that sentencing enhancements and mandatory minimums for violent offenses sent black men to prison at rates six times higher than for white men, while another [paper](#) found that at least half the racial disparity in federal sentencing was driven by prosecutor decisions to charge people with crimes carrying a mandatory minimum.

If mandatory minimums aren’t the answer to the real problems of crime and violence, what is? Evidence-based crime reduction programs such as [Safe Streets Baltimore](#), which has reduced nonfatal shootings by 34 percent. Funding for programs like Safe Streets is included in SB 122, but that bill also includes counterproductive sentence enhancements. Lawmakers can fix this by cutting out the longer and mandatory sentences and passing the funding.

In addition, real safety and security come when a community trusts its local police force. Criminologists agree that it is the certainty of getting caught, not a long or mandatory sentence, that deters criminal actors. That certainty goes up when people trust the police in their neighborhoods enough to call 911. But right now, many Baltimore citizens are reluctant to report crimes because they know a few of Baltimore’s police officers have been planting guns and drugs on those they arrest.

Let’s not repeat the mistakes of our parents’ and grandparents’ generations. Decades of longer and mandatory sentences have not solved our problems with drugs, guns or violence, and doing more of the same will only further hurt black communities and families. History compels black lawmakers to vote for something different this time.

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