

The “Ungers” are a group of people in Maryland who had been sentenced for violent crimes, almost all of whom were incarcerated for homicides that carried extremely long sentences. Most of the Ungers have been released from prison over the past five years, due to a 2012 appellate ruling that found the jury instructions in their trials constitutionally flawed. Despite getting out years sooner than other people in prison facing similar sentences, the Ungers have had a very low recidivism rate. Part of the reason the Ungers have been so successful is that they were provided with more intensive reentry support than is typically the case by a team of lawyers, social workers and formerly incarcerated people.

The Ungers are group of people in Maryland sentenced to extremely long prison terms, most of whom were denied parole, but have now been released because of an appellate court ruling. The Unger group was incarcerated for an average of 40 years and were on average 64 years of age upon release. Almost all of the Ungers, who are overwhelmingly African-American, were serving parole-eligible life sentences but had been denied parole, either by the parole board or by the Governor rejecting a recommendation for parole. Under the Unger decision, 232 were eligible for new trials, and as of June 2018, 188 have been released.

The Unger releasees have had very low recidivism rates, which is consistent with research on crime and the aging population. As of 2018, two had parole revocations. When controlling for age, other states have seen successes in community safety when elderly individuals are released from confinement – New York saw only a four percent rate when an individual was over 65 years old. There was evidence that the Unger releasees would do well upon release: A great majority of the Unger releasees had few infractions while in prison, and before a policy bar was imposed, many participated in programming when available in prison—an indicator they would do well upon their return to the community.

More intensive reentry support was provided to the Ungers by a team of people. A team of social workers, lawyers and formerly incarcerated people, through support from private philanthropy, were involved in helping the Ungers return to the community by providing them a more intensive level of support. The Unger releasees received specialized assistance in obtaining state ID and social security cards, birth certificates, benefits, transportation, housing, employment, and referrals to reentry programs.

The continued cost of incarcerating the Ungers is well over the price of intensive reentry support. Due to the stresses of prison, incarcerated individuals over the age of 50 are generally considered “geriatric”. Based on data showing the geriatric population has higher *care costs*, a preliminary fiscal analysis concluded that continued confinement of the Ungers for an additional 18 years (based on the expected period of incarceration based on the age at release and the projected life expectancy of the Ungers), would have amounted to nearly \$1 million per Unger, or \$53,000 a year. This is compared to the \$6,000 a year to provide intensive reentry support that has proven to successfully reintegrate the Ungers back into the community.

There are thousands more people like the Ungers in Maryland. There are over 3,000 people in prison in Maryland that are similar in age to the Ungers. If Maryland was able to identify even 60 percent of the population that would be good candidates for parole and low-risk to community safety, and provide the type of services the Ungers received, Maryland taxpayers could potentially save nearly \$90 million a year.

Based on what was learned from the Unger releasees, Maryland should consider a number of changes to Maryland’s justice system.

- *Older (or “geriatric”) incarcerated people can be released with minimal risk to public safety, and the savings from their incarceration should be reinvested to improve services for people returning to the community and reduce the likelihood that others will enter prison.*
- *The parole board and parole process should operate without interference from the governor.*
- *Parole eligible lifers and others sentenced to long periods of incarceration should be eligible for prison programs, such as work release, education and treatment.*
- *The Justice Reinvestment Act’s provisions regarding geriatric and medical release should be fully implemented.*
- *Maryland elected officials should be shortening sentences, not lengthening them.*

**For an expanded version of this fact sheet, please contact
the Justice Policy Institute at info@justicepolicy.org**