

Testimony of the Human Trafficking Prevention Project

BILL NO: House Bill 801
TITLE: Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender-Responsive Prerelease Act)
COMMITTEE: Judiciary
HEARING DATE: February 25, 2020
POSITION: SUPPORT

House Bill 801 would require the Commissioner of the Division of Corrections to provide a comprehensive rehabilitative prerelease facility for female inmates who are within two years of their release date. The Human Trafficking Prevention Project at the University of Baltimore School of Law supports this bill because it will assist female inmates, many of who have, at some point in their lives, survived human trafficking, with access to programs and services that will reduce their rate of recidivism and the chance they will experience additional exploitation at the hands of a trafficker.

Maryland closed the only prerelease facility for female inmates in 2009, while male inmates have up to five facilities operating for prerelease inmates. This separate and unequal policy has resulted in female inmates being denied access to prerelease services, or only having the ability to access them in programs that cater to both male and female inmates. As the Baltimore Sun said in its editorial on the absence of women’s pre-release facilities in Maryland, “There are no more excuses for prison systems to ignore women or lump them in with men, especially now, when, sadly, women make up more of the prison population than they once did.”¹ The lack of gender-specific prerelease options becomes even more problematic when considering that many of the women are parents and need family reunification programs and parenting classes in order to have their children returned to their care. Maryland needs to provide a safe and accommodating place for these female inmates to get the help they need that is gender-specific and strengths-based in nature.

These challenges carry with them additional risks for survivors of human trafficking. Given that isolation, addiction, and poverty often directly precede an individual’s trafficking experience, it makes sense that again lacking the resources they need to survive following their release from incarceration would increase a survivor’s risk of re-exploitation. Survivors often need counseling and job training/GED services to reduce the likelihood that they will re-offend² or return to their trafficker. Failing to provide female inmates with the tools they need to become self-sufficient after their release from prison only serves to contribute to a never-ending cycle of poverty, stigma, and recidivism that, for sex trafficking survivors, almost certainly includes a return to the underground economy and increases the likelihood of re-exploitation.

¹ Editorial, *Incarcerated Women Need More Services to Transition Back into Maryland Society*, BALT. SUN (Feb. 11, 2020), <https://www.baltimoresun.com/opinion/editorial/bs-ed-0212-women-incarcerated-20200211-p2xj2p3vgrhyzo3tafnvlfupa-story.html>.

² Bureau of Justice Statistics, *2018 Update on Prisoner Recidivism: A 9-Year Follow-Up Period (2005-2014)* (May 2018) (finding that since 2005, 77% of non-violent female former inmates across 30 states were rearrested at least once over the course of nine years since their initial release).

In recent years, Maryland has shown its strong support for remedying the impact a deeply flawed criminal legal system has on the ability of its citizens to escape poverty and lead productive lives. Criminalized survivors of trafficking suffer similarly if they are unable to obtain to become self-sufficient after their release, as they too struggle with being unable to obtain safe housing and gainful employment. The inability to access these resources in a prerelease facility designed to support the unique needs of formerly incarcerated women makes them more vulnerable to future victimization, especially by a trafficker. Traffickers know that women in prison often lack the resources they need to survive after they are released, and they use this information to target these women and exploit them. These consequences carry with them the additional risk of continued exploitation by a trafficker or the inability to exit the commercial sex trade. **Formerly incarcerated women in Maryland deserve the chance to thrive.**

House Bill 801 would remedy this by creating a space strictly for female inmates, many whom are survivors of human trafficking. For these reasons, the Human Trafficking Prevention Project at the University of Baltimore School of Law supports House Bill 801. We respectfully urge a favorable report.