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Committee



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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**Delegate Testimony in Support of HB 785**  
**Baltimore City – District Court – Jobs Court Pilot Program**

1. Delegate Robbyn Lewis Letter of Support
2. Baltimore City District Court Re-Entry Project
3. Job Court Pilot Program in Michigan



**THE MARYLAND HOUSE OF DELEGATES**  
**ANNAPOLIS, MARYLAND 21401**

**Testimony in Support of HB 785**  
**Baltimore City - District Court - Jobs Court Pilot Program**

Dear Chair Clippinger and Members of the House Judiciary Committee:

House Bill 785 is a local bill for Baltimore that will help to make our city healthier and safer for all. It creates a pilot diversion program in District Court that trains and places eligible defendants - people charged with low level, non-violent crimes - into gainful employment. This “Jobs Court” program is modeled on other rehabilitative programs that have demonstrably reduced recidivism, increased public safety, and given folks tools to get their lives on track.

The Jobs Court program is modeled on other specialty courts, such as Drug Court or Mental Health Court, both of which offer targeted services and supervision as alternatives to incarceration.

The principle of diversion is straightforward: a person charged with a low-level, non-violent crime fulfills certain requirements, such as completing mental health treatment, paying restitution or performing community service, instead of being incarcerated.

Given the close association between unemployment and the commission of low-level, non-violent crimes, it makes intuitive sense that a defendant with a decent job is less likely to re-offend. Unfortunately, many of these folks lack the skills needed to get - and keep - a decent job. Having a good job can be seen as a type of crime prevention - as a public health professional, I might even refer to employment as a vaccine against crime.

That’s why job training and placement should be prioritized as common-sense, preventive measures for reducing recidivism. Job training linked with guaranteed job placement, as prescribed under this bill, can prevent many of the harms associated with incarceration, such as trauma to the individual, to their children and families, and to entire communities.

This bill does have a fiscal note: it requires the Governor to include a \$500,000 appropriation to the annual State budget. These funds will be directed to the Baltimore Workforce Development Board, which would then distribute them to local nonprofits and other entities.

It is important to make note of the bill’s history. It has its origins in a recidivism-prevention effort started by the Honorable Nicole Pastore Kleine, a Baltimore City District Court Judge. In 2016, she conceived and launched the District Court Re-Entry Project. Building on that success, in 2018 she led the roll out of a Jobs Court initiative. Working in partnership with the group America Works, the Jobs Court initiative received a grant from the Governor’s Office of Crime Prevention of Maryland (GOCAP) to support

operations. In 2020, Senate Bill 574 was introduced to establish a pilot of the Jobs Court program; that bill passed the Senate unanimously, however, was never heard in the House due to the onset of the COVID-19 pandemic.

People who have participated in the Jobs Court initiative thus far have a lower rate of recidivism than non-participants. HB 785 makes this worthy initiative sustainable. We know that a good job improves lives. I urge a favorable report on this jobs bill. Thank you.



2017

# The District Court Re-Entry Project (DCREP): Connecting Baltimore City residents with job opportunities and educational training programs through the Judiciary

Hon. Nicole Pastore Klein

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## THE DISTRICT COURT RE-ENTRY PROJECT (DCREP)

*Connecting Baltimore City residents with job opportunities and educational training programs through the Judiciary.*

**Hon. Nicole Pastore Klein\***

### I. INTRODUCTION

In April 2015, Baltimore saw a period of social and economic turmoil unlike any in recent past.<sup>1</sup> Many Baltimore residents cried out for help and guidance.<sup>2</sup> Among the many concerns and calls for change, one stood out: the need for employment and educational opportunities.<sup>3</sup> Citizens in Baltimore City have long faced extreme levels of poverty.<sup>4</sup> Decades of unemployment, poverty, and

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- \* Associate Judge, District Court of Maryland for Baltimore City. I would like to acknowledge and thank Elizabeth Barry, University of Baltimore law student and judicial intern, and Mark Postma, Baltimore City District Court law clerk, for their research assistance and editing help in drafting this Article.
1. *See, e.g.*, NICOLE PASTORE KLEIN, DISTRICT COURT RE-ENTRY PROJECT (DCREP) REPORT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL 1 (2017) (on file with author); 2017 DCREP Grant Application from Nicole Pastore Klein, Assoc. Judge, Dist. Court of Md. for Balt. City, to Gisela Blades, Exec. Dir., Md. Judiciary Dep't of Procurement, Contract & Grant Admin. (2017) (on file with author) [hereinafter 2017 DCREP Grant Application]; Nicole Pastore Klein, Assoc. Judge, Dist. Court of Md. for Balt. City, DCREP Presentation at the Maryland Judiciary Conference (June 2016) [hereinafter DCREP Presentation]; *see also* Simon McCormack, *What's Happening in Baltimore Didn't Just Start with Freddie Gray*, HUFFPOST (Apr. 29, 2015), [http://www.huffingtonpost.com/2015/04/28/freddie-gray-baltimore-history\\_n\\_7161962.html](http://www.huffingtonpost.com/2015/04/28/freddie-gray-baltimore-history_n_7161962.html) (discussing the “chaos on the streets of Baltimore” following the death of Freddie Gray and highlighting the “intractable poverty . . . [and] high rate[] of deadly violence” in Baltimore City). While this article frequently cites to the DCREP Report to the Criminal Justice Coordinating Council, the 2017 DCREP Grant Application, and Judge Pastore Klein’s DCREP Presentation, the information provided in those sources is also reflected in the DCREP’s internal records, reports, and emails. However, those records are confidential and cannot be disseminated to the public.
  2. *See, e.g.*, 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1; *see also* McCormack, *supra* note 1 (discussing the economic turmoil faced by residents in Baltimore City).
  3. *See, e.g.*, 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1.
  4. CIVIL RIGHTS DIV., U.S. DEP'T OF JUSTICE, INVESTIGATION OF THE BALTIMORE CITY POLICE DEPARTMENT 12 (2016), <https://www.justice.gov/crt/file/883296/download>.

inopportunity fueled feelings of restlessness and hopelessness, which were exacerbated by the events of April 2015.<sup>5</sup> The unrest of April 2015 made clear that the problem would continue to grow and undermine the health of the Baltimore community unless changes were made.<sup>6</sup>

As Maryland incarceration rates have skyrocketed over the past two decades,<sup>7</sup> the District Court of Maryland for Baltimore City (Baltimore City District Court) has set out to reverse this trend through the Baltimore City District Court Re-Entry Project (DCREP).<sup>8</sup> Devised by Judge Nicole Pastore Klein, the DCREP works to simultaneously reduce criminal recidivism in Baltimore, while offering enrollees a viable path to productive and successful lives.<sup>9</sup> Promoting employment with regular income contributes to the well-being of all citizens, establishes social stability, and is particularly necessary for individuals with criminal records who face substantial barriers in gaining employment.<sup>10</sup> The DCREP gives these individuals, specifically those burdened by criminal records, desperately needed access to jobs and educational opportunities.<sup>11</sup>

The DCREP is a court-focused program.<sup>12</sup> It is utilized by prosecutors and defense attorneys alike as an alternative to incarceration or as a condition of probation.<sup>13</sup> The DCREP garnered the cooperation of members of the State's Attorney's Office,<sup>14</sup> the Public Defender's Office,<sup>15</sup> private defense counsel bar,<sup>16</sup> the Department of Parole and Probation,<sup>17</sup> Pretrial Detention and

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5. See McCormack, *supra* note 1.

6. See *id.*

7. NANCY G. LA VIGNE ET AL., URBAN INST. JUSTICE POLICY CTR., A PORTRAIT OF PRISONER REENTRY IN MARYLAND 8 fig.1, 9 (2003), <https://www.urban.org/sites/default/files/publication/42771/410655-A-Portrait-of-Prisoner-Reentry-in-Maryland.PDF>.

8. News Release, Office of Commc'ns & Pub. Affairs, Md. Courts, New Baltimore City District Court Re-Entry Project Helps Ex-Offenders Find Jobs (Mar. 6, 2017), <http://courts.state.md.us/media/news/2017/pr20170306.html>.

9. See, e.g., 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1.

10. See LA VIGNE ET AL., *supra* note 7, at 31–32.

11. See *infra* Part IV.

12. See, e.g., PASTORE KLEIN, *supra* note 1, at 2; 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1.

13. See, e.g., 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1.

14. 2017 DCREP Grant Application, *supra* note 1.

15. *Id.*

16. *Id.*

17. *Id.*

Services,<sup>18</sup> and specialty court programs such as the Mental Health, Drug, and Veterans Court dockets.<sup>19</sup> Prosecutors make offers to qualified defendants, and those defendants then participate in the DCREP's full-time job training programs as a condition of their probation or in lieu of jail time.<sup>20</sup> Similarly, public defenders and private defense counsel encourage their clients to take advantage of these offers.<sup>21</sup> The DCREP not only promotes justice by offering ex-offenders effective job training and placement, but it also provides individuals with the ability to enhance their lives and become productive members of society.<sup>22</sup>

In less than one year, from September 2016 when the DCREP was introduced to the Baltimore City District bench to August 2017, the program gained such traction that the DCREP has grown beyond criminal proceedings.<sup>23</sup> Nearly half of the individuals enrolled have come through various court referrals, dismissed cases, and even civil proceedings.<sup>24</sup> In this way, the Baltimore City District Court has made the DCREP available to any resident of Baltimore City who needs assistance in gaining employment, even without formal criminal court involvement.<sup>25</sup>

This article will explain the DCREP process and will describe its origination by giving a statistical overview of some of the most pressing economic and social problems Baltimore City faces—incarceration, recidivism, high unemployment rates, and poverty<sup>26</sup>—and will conclude with the specific role the DCREP plays in resolving these problems.<sup>27</sup>

## II. BALTIMORE'S SOCIETAL ISSUES

The city of Baltimore and its residents face a number of social and financial hardships every day.<sup>28</sup> Among these hardships are the high

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18. *Id.*

19. *Id.*

20. *Id.*

21. *Id.*

22. *See, e.g.,* PASTORE KLEIN, *supra* note 1, at 2; 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1.

23. DCREP Presentation, *supra* note 1.

24. *See, e.g.,* PASTORE KLEIN, *supra* note 1, at 2–3; 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1.

25. *See, e.g.,* 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1.

26. *See infra* Part II.

27. *See infra* Part IV.

28. *See infra* notes 29–34 and accompanying text.

rates and costs of incarceration,<sup>29</sup> the disproportionate number of incarcerated Baltimore residents in Maryland prisons,<sup>30</sup> an increased recidivism level in those who are released from prison,<sup>31</sup> lack of economic opportunity or access to stable employment,<sup>32</sup> high unemployment rates,<sup>33</sup> and impoverished neighborhoods.<sup>34</sup>

#### A. *Incarceration Rates and Costs*

With a population of roughly 621,000, according to the most recent 2010 United States Census data,<sup>35</sup> Baltimore's general incarceration rate is 1,255 per 100,000 residents, whereas the national rate is 455 per 100,000 residents.<sup>36</sup> While only one out of ten Maryland residents live in Baltimore, "one out of three Maryland residents in state prison is from the city."<sup>37</sup> The state's prison population more than tripled between 1980 and 2001, and the crime rate has increased dramatically.<sup>38</sup> In 2015, the average costs per inmate in Maryland totaled \$44,601, and the total inmate costs that year amounted to \$1,071,682,231.<sup>39</sup> In 2016, the number of inmates housed in various facilities, such as state prisons, local jails, federal prisons, and juvenile detention centers, surpassed 35,000,<sup>40</sup> with African Americans comprising a large proportion of the 35,000.<sup>41</sup> Twenty-one thousand, or 60% of inmates in Maryland, were housed in state prisons.<sup>42</sup>

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29. *See infra* Section II.A.

30. *See infra* Section II.A.

31. *See infra* Section II.B.

32. *See infra* Section II.C.

33. *See infra* Section II.C.

34. *See infra* Section II.C.

35. *QuickFacts: Baltimore City, Maryland*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/baltimorecitymaryland,US/PST045216> (last visited Nov. 20, 2017).

36. AMANDA PETTERUTI ET AL., JUSTICE POLICY INST. & PRISON POLICY INITIATIVE, THE RIGHT INVESTMENT? CORRECTIONS SPENDING IN BALTIMORE CITY 3 (2015), [http://www.justicepolicy.org/uploads/justicepolicy/documents/rightinvestment\\_design\\_2.23.15\\_final.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/rightinvestment_design_2.23.15_final.pdf).

37. *Id.* at 2 (emphasis omitted).

38. LA VIGNE ET AL., *supra* note 7, at 9–10, 11 figs.2, 3 & 4.

39. CHRIS MAI & RAM SUBRAMANIAN, VERA INST. OF JUSTICE, THE PRICE OF PRISONS: EXAMINING STATE SPENDING TRENDS, 2010-2015 8 tbl.1 (2017), [https://storage.googleapis.com/vera-web-assets/downloads/Publications/price-of-prisons-2015-state-spending-trends/legacy\\_downloads/the-price-of-prisons-2015-state-spending-trends.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/price-of-prisons-2015-state-spending-trends/legacy_downloads/the-price-of-prisons-2015-state-spending-trends.pdf).

40. *Maryland Profile*, PRISON POLICY INITIATIVE, <https://www.prisonpolicy.org/profiles/MD.html> (last visited Nov. 20, 2017).

41. *See id.*

42. *Id.*



In 2015, Maryland taxpayers spent over \$288 million in incarceration costs for those incarcerated from just fifty-five communities in Baltimore City.<sup>43</sup> Twenty-five of the fifty-five communities that comprise Baltimore City are dealing with the high impact of incarceration.<sup>44</sup> Maryland taxpayers are spending at least \$5 million annually to incarcerate individuals from *each* of Baltimore's twenty-five high incarceration communities.<sup>45</sup> The aforementioned communities account for 76% of the total money spent on incarcerating people from Baltimore.<sup>46</sup> "These communities have some of the highest incarceration rates in the city at 1,860 per 100,000," which is five times the Maryland average of 383 per 100,000.<sup>47</sup> Criminogenic factors include a historic list of disparities facing the residents of Baltimore City, such as systematic poverty, lack of employment opportunities, lead poisoning, rampant heroin and other illicit drug abuse, and zero tolerance policies, which have contributed to the cycle of mass incarceration throughout the generations.<sup>48</sup>

In Maryland, taxpayers are responsible for covering the entirety of the mass incarceration costs within the state.<sup>49</sup> The reality of these costs has resulted in public demand for a plan to decrease the overall prison population.<sup>50</sup> One of the best methods to accomplish the public's goal is through utilizing incarceration alternatives such as the DCREP, which pays for itself given the tremendous taxpayer benefits it provides.<sup>51</sup>

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43. PETERUTI ET AL., *supra* note 36, at 12.

44. *Id.* at 3, 12.

45. *Id.* at 3.

46. *Id.* at 13.

47. *Id.*

48. *See id.* at 4, 9–11; *see also* Amadou Diallo, *West Baltimore Offers Vivid Reminder of Failed Mass Incarceration Policy*, AL JAZEERA AM. (Apr. 30, 2015, 11:02 AM), <http://america.aljazeera.com/articles/2015/4/30/west-baltimore-offers-vivid-reminder-of-failed-mass-incarceration-policy.html> (discussing the zero tolerance policies enforced under former Mayor Martin O'Malley's administration and their impact on the "economically depressed communities" in Baltimore City).

49. *See Downsizing Maryland's Prisons*, BALT. SUN (Aug. 12, 2011, 6:53 PM), <http://www.baltimoresun.com/news/opinion/editorial/bs-ed-prisons-report-20110811-story.html>.

50. *See id.*

51. *See* PETERUTI ET AL., *supra* note 36, at 6–7; *see also infra* Section IV.A (discussing the origination of the DCREP).

B. *Recidivism*

In Maryland, roughly half of the offenders released from prison return within three years of their release.<sup>52</sup> A 2013 news release from Maryland's Department of Public Safety and Correctional Services demonstrated that the three-year recidivism rate, measured as the rate of ex-inmates returning to prison or community supervision for new offenses, was a staggering 40.5% in 2012.<sup>53</sup> In addition, a March 2015 *Baltimore Sun* article stated:

Every year, roughly 10,000 people leave prison and return to Baltimore City; 4,000 of them — 40 percent — will return to prison within three years. . . . [P]eople least likely to go back to prison are those who participate in reentry programs, a cost-effective solution for adults who otherwise leave prison without the right plan and supports in place.<sup>54</sup>

Past offenders in Baltimore struggle to find programs to help them get their lives back on track.<sup>55</sup> Some of them have no access to these programs due to a number of factors, including the location of the programs and services within Baltimore, the costs associated with the programs, and transportation difficulties.<sup>56</sup> While many of these past offenders may want to participate in programs to help reintegrate into society, “[i]t is unclear whether prisoners returning to Baltimore are aware of the social services in the city . . . and whether they have the means to make use of them.”<sup>57</sup> To complicate matters, many past offenders “enter prison with poor educational backgrounds and little work experience. . . . [A]nd most d[o] not have jobs when they . . . [are] arrested,” so returning to employment upon release is difficult.<sup>58</sup> The DCREP strives to combat this type of inopportunity.<sup>59</sup>

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52. See News Release, Md. Dep't of Pub. Safety & Corr. Servs., Maryland's Recidivism Rate Driven Down Seven Points from 2007 (Sept. 30, 2013), <http://www.dpscs.maryland.gov/publicinfo/pdfs/pressreleases/20130930a.pdf>.

53. *Id.*

54. Nancy Fenton, *Helping Ex-Offenders Stay Out of Prison*, BALTIMORE SUN (Mar. 30, 2015, 12:24 PM), <http://www.baltimoresun.com/news/opinion/oped/bs-ed-reentry-programs-20150330-story.html>.

55. See LA VIGNE ET AL., *supra* note 7, at 52–53, 57–61 (analyzing past offenders' reentry and the urban challenges facing them in six Baltimore communities, including Southwest Baltimore, Greater Rosemont, Sandtown-Winchester/Harlem Park, Greenmount East, Clifton-Berea, and Southern Park Heights).

56. *Id.* at 60–61.

57. *Id.* at 61.

58. *Id.* at 32. Another study done by the Urban Institute focused on former inmates in Illinois, Ohio, and Texas, and found that 61% of inmates were legally employed

Similar employment programs for ex-offenders have proved to be successful in the past.<sup>60</sup> In 2015, the *Baltimore Sun* reported on a former program launched in 2010 called the Public Safety Compact.<sup>61</sup> The program “achieved a 6.5% recidivism rate for graduates released in 2011 at the end of 2014,” compared with the Maryland state “recidivism rate of 40.5% for individuals released in 2009 after 3 years out.”<sup>62</sup> Unfortunately, the state legislature ended this program in 2015.<sup>63</sup> As a result, there is a desperate need for a similar bridge between former offenders and employment opportunities.<sup>64</sup> Once ex-offenders are connected to these programs, recidivism rates drop dramatically.<sup>65</sup> For example, one of the DCREP’s partner programs—WorkFirst, which has served ex-offenders in Baltimore since 2009—has reported a 20% recidivism rate among its graduates,<sup>66</sup> as compared to a recidivism rate in 2005 of 76.6% across

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before prison. CHRISTY VISHER ET AL., URBAN INST. JUSTICE POLICY CTR., EMPLOYMENT AFTER PRISON: A LONGITUDINAL STUDY OF RELEASEES IN THREE STATES 1, 3 fig.1 (2008), <https://www.urban.org/sites/default/files/publication/32106/411778-Employment-after-Prison-A-Longitudinal-Study-of-Releasees-in-Three-States.PDF>. This study also found that, after two months post-release, only 31% of former inmates were legally employed. *Id.* at 3.

59. *See infra* Section IV.A. Juvenile criminal recidivism rates are also of great concern. Rates of recidivism for juveniles returning home from commitment have remained consistent, with roughly one in five youths released subsequently being convicted of a new criminal offense within a year between 2013 and 2015. MD. DEP’T OF JUVENILE SERVS., DATA RESOURCE GUIDE: FISCAL YEAR 2016, at 179 (2016), [http://djs.maryland.gov/Documents/2016\\_full\\_book.pdf](http://djs.maryland.gov/Documents/2016_full_book.pdf). In 2016, the Maryland Department of Juvenile Services reported that the three-year overall re-incarceration recidivism rate for juveniles initially released in 2013 was 32.9%. *Id.* More recently, Baltimore has seen an uptick in juvenile crime as children are being recruited to do the “dirty work” for adult criminals. George Lettis, *Baltimore Police See Spike in Juvenile Crime*, WBAL TV (Jan. 27, 2017, 8:38 AM), <http://www.wbal.com/article/baltimore-police-see-spike-in-juvenile-crime/8645720>.
60. *See, e.g., Breaking the Public Safety Compact*, BALT. SUN (Nov. 2, 2015, 4:48 PM), <http://www.baltimoresun.com/news/opinion/editorial/bs-ed-public-safety-compact-20151102-story.html>.
61. *Id.*; *Abell Salutes: The Public Safety Compact*, ABELL FOUND., <http://www.abell.org/publications/abell-salutes-public-safety-compact> (last visited Nov. 20, 2017).
62. *Abell Salutes: The Public Safety Compact*, *supra* note 61.
63. Alison Knezevich, *Initiative that Has Released Inmates Early into Drug Treatment Set to End This Weekend*, BALT. SUN (Oct. 29, 2015, 7:50 PM), <http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-public-safety-compact-20151029-story.html>. The program ended after Maryland state officials “discovered . . . that the arrangement r[an] afoul of state procurement guidelines.” *Id.*
64. *See id.*
65. News Release, Md. Dep’t of Pub. Safety & Corr. Servs., *supra* note 52.
66. *Baltimore Ex-Offender Program*, WORKFIRST FOUND., <https://www.theworkfirstfound>

thirty states, within five years of release.<sup>67</sup> With thirteen partner programs, the DCREP decreases the cycle of recidivism by offering people with criminal records a path to a job or educational job training programs, with the goal of deterring them from returning to criminal activity.<sup>68</sup>

### C. *High Unemployment Rates and Poverty*

Baltimore is located in the richest state in the country, Maryland, which has a median household income of nearly \$76,000.<sup>69</sup> As of November 2017, Baltimore City's overall unemployment rate was at 5.2%, compared to 4.1% nationwide.<sup>70</sup> These numbers do not seem to portray an alarming picture of Baltimore's economic opportunities, but the statistics are misleading; the harsh reality of the high unemployment and poverty rates in Baltimore's poorest and most vulnerable communities is staggering.<sup>71</sup>

First, the city of Baltimore, which once had a thriving economy due to the flourishing steel industry, never fully recovered economically from the huge loss of jobs caused by decades of decline in the manufacturing and shipping industries.<sup>72</sup> Between 1950 and 1995, Baltimore lost approximately 100,000 manufacturing jobs.<sup>73</sup> There was no creation of new blue-collar job opportunities in other industries to remedy this vacancy in readily available employment.<sup>74</sup>

These unemployment rates also mask racial differences. Baltimore's population is 63.7% African American.<sup>75</sup> Approximately 47% of the individuals between sixteen and sixty-four years of age

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ation.org/baltimore-exoffender-program/ (last visited Nov. 20, 2017).

67. MATTHEW R. DUROSE ET AL., U.S. DEP'T OF JUSTICE, RECIDIVISM OF PRISONERS RELEASED IN 30 STATES IN 2005: PATTERNS FROM 2005 TO 2010, at 1 (2014), <https://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf>.

68. News Release, Office of Commc'ns & Pub. Affairs, Md. Courts, *supra* note 8.

69. Sarah Gantz, *Median Household Income in Maryland Grew Last Year*, BALT. SUN (Sept. 15, 2016, 7:39 PM), <http://www.baltimoresun.com/business/bs-bz-american-community-survey-20160914-story.html>.

70. *Baltimore Area Economic Summary*, U.S. BUREAU LAB. STAT., [https://www.bls.gov/r egions/mid-atlantic/summary/blssummary\\_baltimore.pdf](https://www.bls.gov/r egions/mid-atlantic/summary/blssummary_baltimore.pdf) (last updated Nov. 1, 2017).

71. *See* PETTERUTI ET AL., *supra* note 36, at 12 (illustrating that the unemployment rate in persons between the ages of sixteen and sixty-four in Baltimore's most incarcerated communities ranges from 39% to 52%, while the median household income in those communities ranges between \$24,006 and \$40,803).

72. Bryce Covert, *The Economic Devastation Fueling the Anger in Baltimore*, THINKPROGRESS (Apr. 28, 2015, 3:50 PM), <https://thinkprogress.org/the-economic-devastation-fueling-the-anger-in-baltimore-8511b97c0630/>.

73. *Id.*

74. *See id.*

75. *QuickFacts: Baltimore City, Maryland*, *supra* note 35.

who live in Baltimore's twenty-five high-incarceration neighborhoods are unemployed.<sup>76</sup> These neighborhoods are predominantly African American.<sup>77</sup> A huge gap exists between the incomes of African American versus white residents living in the city.<sup>78</sup> On average, white residents make almost twice the income that African American residents do.<sup>79</sup> In 2013, white employees in Baltimore made an average of \$60,550 annually, compared to only \$33,610 for African American employees.<sup>80</sup> Nearly one quarter of the city's population is living below the poverty line.<sup>81</sup> There is also a significant education gap; only one in ten African American men in Baltimore have, at minimum, a college degree, as compared with half of white males.<sup>82</sup>

The DCREP aims to close these gaps by providing individuals of all races with the necessary educational and employment advantages.<sup>83</sup>

### III. APRIL 2015 UNREST, COMPLAINTS, AND CALLS FOR ACTION

The April 2015 unrest in Baltimore was the apex of numerous factors including: job scarcity, poverty, and tensions between residents and police, as well as violence within certain neighborhoods in Baltimore.<sup>84</sup> The unrest stemmed from and centered around the Sandtown-Winchester and adjacent Harlem Park neighborhoods in Baltimore.<sup>85</sup> These neighborhoods have historically been plagued with violence and poverty.<sup>86</sup> According to a December 2011

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76. PETERUTI ET AL., *supra* note 36, at 12.

77. *See id.* at 7, 13.

78. Jordan Malter, *Baltimore's Economy in Black and White*, CNN MONEY (Apr. 29, 2015, 8:59 PM), <http://money.cnn.com/2015/04/29/news/economy/baltimore-economy> ("But even if you compare the incomes of blacks versus whites living within the city of Baltimore, a large chasm still exists.").

79. *Id.*

80. *Id.*

81. *QuickFacts: Baltimore City, Maryland*, *supra* note 35.

82. Ben Casselman, *How Baltimore's Young Black Men Are Boxed in*, FIVETHIRTYEIGHT (Apr. 28, 2015, 2:34 PM), <https://fivethirtyeight.com/features/how-baltimores-young-black-men-are-boxed-in/>.

83. *See infra* Section IV.A.

84. McCormack, *supra* note 1.

85. *See id.*

86. Leon Neyfakh, *Freddie Gray's Broken Neighborhood*, SLATE (Apr. 27, 2015, 5:02 PM), [http://www.slate.com/articles/news\\_and\\_politics/crime/2015/04/freddie\\_gray\\_death\\_a\\_closer\\_look\\_at\\_the\\_tragically\\_impoverished\\_and\\_violent.html](http://www.slate.com/articles/news_and_politics/crime/2015/04/freddie_gray_death_a_closer_look_at_the_tragically_impoverished_and_violent.html).

Baltimore City Health Department report, over 50% of the Sandtown-Winchester/Harlem Park population had a household income under \$25,000 a year.<sup>87</sup> Over 20% of those sixteen years of age or older reported to be unemployed, which was almost double the unemployment rate of Baltimore City as a whole.<sup>88</sup> Over 30% of families residing in the Sandtown-Winchester/Harlem Park neighborhoods had an income below the poverty level.<sup>89</sup> Additionally, juveniles aged ten to seventeen residing in the Sandtown-Winchester/Harlem Park neighborhoods had a 25.2% chance of being arrested, compared with a 14.5% chance citywide.<sup>90</sup> The homicide rate in the Sandtown-Winchester/Harlem Park neighborhoods was more than double the rate across Baltimore City.<sup>91</sup> Sandtown-Winchester/Harlem Park is just one example of the many neighborhoods in Baltimore City plagued by such financial despair with no identifiable hope for change.<sup>92</sup>

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87. ALISA AMES ET AL., BALT. CITY HEALTH DEP'T, BALTIMORE CITY 2011 NEIGHBORHOOD HEALTH PROFILE: SANDTOWN-WINCHESTER/HARLEM PARK 4 (2011), <http://health.baltimorecity.gov/sites/default/files/47%20Sandtown.pdf>.

88. *Id.* Baltimore City's unemployment rate was reported to be 11.1%. *Id.*

89. *Id.*

90. *See id.* at 6 (comparing 145.1 arrests per 1,000 juveniles in Baltimore City between the years 2005 and 2009 with 252.3 arrests per 1,000 juveniles in the Sandtown-Winchester/Harlem Park neighborhoods during the same period).

91. *See id.* at 7 (comparing 45.3 homicides that occurred in the Sandtown-Winchester/Harlem Park neighborhoods per 10,000 residents between the years 2005 and 2009 with 20.9 homicides citywide during the same period).

92. *See, e.g.*, BALT. CITY HEALTH DEP'T, BALTIMORE CITY 2017 NEIGHBORHOOD HEALTH PROFILE: CHERRY HILL 9 (2017), [https://health.baltimorecity.gov/sites/default/files/NHP%202017%20-%202007%20Cherry%20Hill%20\(rev%206-9-17\).pdf](https://health.baltimorecity.gov/sites/default/files/NHP%202017%20-%202007%20Cherry%20Hill%20(rev%206-9-17).pdf) (illustrating that 54.3% of the neighborhood population has a household income of less than \$25,000, that 15.9% of residents sixteen years of age and older are unemployed, and that 57.2% of the families with children under the age of eighteen in the neighborhood have an income below the poverty level); BALT. CITY HEALTH DEP'T, BALTIMORE CITY 2017 NEIGHBORHOOD HEALTH PROFILE: HARBOR EAST/LITTLE ITALY 9 (2017), [https://health.baltimorecity.gov/sites/default/files/NHP%202017%20-%202026%20Harbor%20East-Little%20Italy%20\(rev%206-9-17\).pdf](https://health.baltimorecity.gov/sites/default/files/NHP%202017%20-%202026%20Harbor%20East-Little%20Italy%20(rev%206-9-17).pdf) (illustrating that 39.3% of the neighborhood population has a household income of less than \$25,000, that 18.1% of residents sixteen years of age and older are unemployed, and that 50.8% of the families with children under the age of eighteen in the neighborhood have an income below the poverty level); BALT. CITY HEALTH DEP'T, BALTIMORE CITY 2017 NEIGHBORHOOD HEALTH PROFILE: POPPLETON/THE TERRACES/HOLLINS MARKET 9 (2017), [https://health.baltimorecity.gov/sites/default/files/NHP%202017%20-%202046%20Poppleton-The%20Terraces-Hollins%20Market%20\(rev%206-9-17\).pdf](https://health.baltimorecity.gov/sites/default/files/NHP%202017%20-%202046%20Poppleton-The%20Terraces-Hollins%20Market%20(rev%206-9-17).pdf) (illustrating that 57.2% of the neighborhood population has a household income of less than \$25,000, that 17.9% of residents sixteen years of age and older are unemployed, and that 63.3% of the families with children under the age of eighteen in the neighborhood have an income below the poverty level); BALT. CITY HEALTH DEP'T, BALTIMORE CITY 2017

With these statistics in mind, it is easier to understand the context of the unrest that occurred in April 2015. Combine “[a] damaged economy, high levels of crime, [and] little opportunity to achieve something better” in life, and the roots of the 2015 Baltimore unrest emerge.<sup>93</sup> After the unrest, the *Baltimore Business Journal* published a call to action, asserting that Baltimore needs more jobs, particularly “jobs the more than 20,000 unemployed residents of this city — many of whom have a criminal record — stand a chance at landing.”<sup>94</sup> “In Baltimore, a criminal record is among the biggest barriers residents face in finding work.”<sup>95</sup> Judge Nicole Pastore Klein of the Baltimore City District Court heard this call to action not only in the news, but also first-hand in the courtroom from defendants who consistently complained about the job scarcity in Baltimore City for ex-offenders.<sup>96</sup> Judge Pastore Klein made it her mission to provide meaningful and identifiable employment and educational options through the court system.<sup>97</sup> Hence, the DCREP was born.

#### IV. DCREP<sup>98</sup>

##### A. *Origination*

After the Baltimore City unrest in April 2015, the pervasive sentiment, throughout the city and in the courtrooms, was the dissatisfaction with the complete lack of job opportunities in the

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NEIGHBORHOOD HEALTH PROFILE: UPTON/DRUID HEIGHTS 9 (2017), [https://health.baltimorecity.gov/sites/default/files/NHP%202017%20-%2053%20Upton-Druid%20Heights%20\(rev%206-9-17\).pdf](https://health.baltimorecity.gov/sites/default/files/NHP%202017%20-%2053%20Upton-Druid%20Heights%20(rev%206-9-17).pdf) (illustrating that 61.7% of the neighborhood population has a household income of less than \$25,000, that 22.3% of residents sixteen years of age and older are unemployed, and that 60.1% of the families with children under the age of eighteen in the neighborhood have an income below the poverty level).

93. McCormack, *supra* note 1.

94. Sarah Gantz, *Unrest in Baltimore Highlights Need for More Jobs*, *BALT. BUS. J.* (Apr. 30, 2015, 4:21 PM), <https://www.bizjournals.com/baltimore/news/2015/04/29/unrest-in-baltimore-highlights-need-for-more-jobs.html>.

95. *Id.*

96. See News Release, Office of Commc’ns & Pub. Affairs, Md. Courts, *supra* note 8.

97. See *id.* (“After conducting extensive research over the course of several months, Judge Pastore-Klein began engaging existing programs in Baltimore, and in September 2016, Judge Pastore-Klein introduced the DCREP to the full Baltimore City District Court bench.”).

98. In large part, Judge Pastore Klein is the sole authority for information regarding the District Court Re-Entry Project. Thus, much of the following information stems from her experience and memory during its creation and implementation.

city.<sup>99</sup> Individuals appearing in District Court everyday were stating that they were unemployed despite submitting numerous job applications.<sup>100</sup> Citizens with a criminal record indicated a particularly insurmountable struggle in finding work, especially those who reside in Baltimore City's poorest and most vulnerable, mainly African American neighborhoods.<sup>101</sup> Due in part to the lack of jobs, many citizens in Baltimore City were driven into an endless cycle of crime, unemployment, and poverty.<sup>102</sup> Moreover, individuals were being released from prison into the community and recidivating because they had no employment or educational opportunities.<sup>103</sup>

In the year following the unrest, Judge Pastore Klein sought out job training programs and increased opportunities for educational advancement and job placement.<sup>104</sup> She read numerous articles and interviews in which politicians and organizations claimed to provide these services for Baltimore City residents.<sup>105</sup> Judge Pastore Klein quickly learned, however, that many of these organizations did not deliver on their promises.<sup>106</sup> Out of the forty-three programs Judge Pastore Klein researched, only thirteen "actually had the capability of taking individuals on a rolling basis."<sup>107</sup> The thirteen programs focused primarily on aiding ex-offenders.<sup>108</sup>

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99. See, e.g., PASTORE KLEIN, *supra* note 1, at 1; 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1.

100. See, e.g., PASTORE KLEIN, *supra* note 1, at 1; 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1.

101. 2017 DCREP Grant Application, *supra* note 1.

102. *Id.*

103. *Id.*

104. PASTORE KLEIN, *supra* note 1, at 1; DCREP Presentation, *supra* note 1.

105. PASTORE KLEIN, *supra* note 1, at 1.

106. *Id.*

107. *Id.*

108. *Id.*; 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1. Originally, that roster consisted of the following organizations: America Works; Center for Urban Families, which offers STRIVE Baltimore pre-employment training; Work for Success, a program offered by Our Daily Bread Employment Center; Christopher Place Employment Academy, which houses homeless men as they train for employment; Goodwill Industries of the Chesapeake; Civic Works; Project Jumpstart; Vehicles for Change; Project I Can by CUPs Coffee House; Next Course Training Academy, which trains offenders for food service certification; and Maryland New Directions Maritime, Transportation, Distribution, and Logistics Training (MTDL) program for the Port of Baltimore. PASTORE KLEIN, *supra* note 1, at 1; 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1. As of November 2017, the roster consists of America Works, Center for Urban Families, Work for Success, Christopher Place Employment Academy, Goodwill Industries of the Chesapeake, Project Jumpstart, Vehicles for Change, Project SERVE by Living Classrooms, Next Course Training Academy, and the Maryland New



The DCREP developed requirements and referral forms for individuals in the criminal justice system.<sup>109</sup> The thirteen programs offer general job placement in various industries including, but not limited to, warehouse work, shipping, packaging, custodial work, culinary arts, factory work, production, customer service, secretarial work, and reception work.<sup>110</sup> To participate in the programs, individuals take classes and receive one-on-one support for resume building, interview skills, and overall career development.<sup>111</sup> These programs also provide “the educational components for degree certification . . . in construction, forklift operation, energy retro fitting, [b]rownfield remediation, solar panel installation, auto detailing, auto mechanic, [b]arista, catering and food service management[,] Port of Baltimore jobs,” and jobs at the Baltimore-Washington International Thurgood Marshall Airport.<sup>112</sup> Training programs range from two weeks to six months.<sup>113</sup> The range of time for training depends on whether individuals need “direct assistance for immediate job placement” based upon previous work experience, or need to study for a necessary certification in a particular field.<sup>114</sup>

B. *Participation and Enrollment Process by the Entirety of the District Court*

In the first phase of the DCREP, participants were given the chance to participate in the DCREP either in lieu of jail time or as a condition of probation.<sup>115</sup> To help accomplish this goal, Judge Pastore Klein met with the supervising State’s Attorneys and public defenders in all three Baltimore City criminal courthouses to introduce them to the program.<sup>116</sup> Judge Pastore Klein encouraged

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Directions MTDL program. Nicole Pastore Klein, Assoc. Judge, Dist. Court of Md. for Balt. City, Remarks at the Quarterly Baltimore City District Court Bench Meeting (Oct. 26, 2017) [hereinafter Pastore Klein, Remarks].

109. See, e.g., PASTORE KLEIN, *supra* note 1, at 1; 2017 DCREP Grant Application, *supra* note 1.

110. See, e.g., PASTORE KLEIN, *supra* note 1, at 1; 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1.

111. See, e.g., PASTORE KLEIN, *supra* note 1, at 1–2; 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1.

112. PASTORE KLEIN, *supra* note 1, at 1; Pastore Klein, Remarks, *supra* note 108.

113. Pastore Klein, Remarks, *supra* note 108.

114. PASTORE KLEIN, *supra* note 1, at 2.

115. *Id.*

116. *Id.* The Baltimore City District Court is comprised of four courthouses, three of which are dedicated to hearing criminal cases arising out of a designated geographic area: (1) Borgerding District Court Building, 5800 Wabash Avenue, Baltimore,

active discussion between the State's Attorney's Office (SAO) and the Office of the Public Defender (OPD) about alternative ways to resolve cases that could help improve success in probation and lower recidivism rates.<sup>117</sup> Specifically, she encouraged the SAO and OPD to offer defendants the opportunity to participate in the DCREP in lieu of jail time, or as a condition of probation, and permit defendants to enter one of the thirteen pre-approved programs.<sup>118</sup>

The DCREP could not function without the cooperation and active participation of the Baltimore City District Court judges. Judge Pastore Klein also presented the DCREP program to the judges at bench meetings and to her colleagues individually.<sup>119</sup> They are now on the front lines, referring participating defendants to one of the thirteen job training and employment organizations, and allowing defendants the opportunity to participate.<sup>120</sup> This outreach to the bench and the judges' willing participation was the main catalyst for the success and growth of the DCREP.

Once the judge makes the referral to the DCREP, the defendant receives job placement opportunities and an agreed-upon court incentive upon successful completion of the program.<sup>121</sup> "For example, a judge may convert a supervised probation to an unsupervised probation," waive probation fees, or even end the defendant's probation early.<sup>122</sup> "In addition, defendants who may have been sentenced to a minimal amount of jail time may have the chance to participate in . . . [the DCREP] in lieu of jail time."<sup>123</sup>

### C. *Recordkeeping for Success*

The process of staying up-to-date with each of the participant's progress is time-consuming. As soon as a judge refers a criminal defendant into the DCREP, the DCREP team<sup>124</sup> then works directly

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Maryland 21215-3330; (2) John R. Hargrove, Sr. Building, 700 E. Patapsco Avenue, Baltimore, Maryland 21225-1900; and (3) Eastside District Court Building, 1400 E. North Avenue, Baltimore, Maryland 21213-1407. Baltimore City District Court *Locations*, MD. CTS., <http://www.mdcourts.gov/district/directories/courtmap.html#CITY> (last visited Nov. 20, 2017).

117. See PASTORE KLEIN, *supra* note 1, at 2.

118. *Id.*

119. *See id.*

120. See News Release, Office of Commc'ns & Pub. Affairs, Md. Courts, *supra* note 8.

121. *Id.*

122. *Id.*

123. *Id.*

124. The DCREP team consists solely of volunteers. 2017 DCREP Grant Application, *supra* note 1. In addition to Judge Pastore Klein, Baltimore City Assistant State's Attorney Rena Kates and University of Baltimore law student Madison Kyger were

with the Department of Parole and Probation (DPP) to follow up on the participant's progress.<sup>125</sup> After Judge Pastore Klein worked for one year with individual agents from DPP, the agency itself agreed to become a formal partner of the DCREP.<sup>126</sup> As a result of this partnership, the DPP provided eleven designated agents who have been trained extensively to secure the DCREP's success.<sup>127</sup> Besides working with a designated DPP agent,<sup>128</sup> the DCREP team has also secured contacts within each of the thirteen specified DCREP

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instrumental in researching the capability of creating such an initiative. *Id.*; *supra* note 98. They contacted the forty-three potential organizations aforementioned and eventually set up a protocol for the thirteen participating organizations. *See, e.g.*, 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1. They developed court forms and databases to track participant progress and helped coordinate the DCREP's first graduation ceremony. *See, e.g.*, 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1. The DCREP also could not have maintained its organization and success without continuous volunteering from Baltimore City District Court law clerk Ama Asare, University of Maryland law student Abbey Beichler, University of Baltimore law student Elizabeth Barry, and Baltimore City District Court Clerk Champagne Harris. *See, e.g.*, 2017 DCREP Grant Application, *supra* note 1; *supra* note 98.

125. *See Ray Lewis Joins Parole & Probation in Court*, MD. DEP'T PUB. SAFETY & CORRECTIONAL SERVICES (Mar. 10, 2017), <http://news.maryland.gov/dpscs/2017/03/10/ray-lewis-joins-parole-probation-in-court/>. When the DCREP first began, the DCREP team called the DPP supervisory office the next day to identify the responsible agent for a particular defendant. *See supra* note 98. Once determined, the DCREP team mailed a form letter to the responsible agent outlining the new program and the defendant's responsibilities, and requesting the agent's assistance in maintaining and encouraging the defendant's compliance. *See supra* note 98. In an effort to promote success, the DCREP team made every effort to educate the DPP agents and bring the department on board as a DCREP team member. *See supra* note 98.

126. *See Ray Lewis Joins Parole & Probation in Court*, *supra* note 125.

127. 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1; *see also Ray Lewis Joins Parole & Probation in Court*, *supra* note 125 (providing the names of agents who supervised DCREP graduates). Having designated probation agents has proven to be successful for other court specialty initiatives, such as the Mental Health Court, Veterans Treatment Court, and Drug Court. When specified agents know the inner workings of a program, it lends itself to enabling productive participation in the court initiative. *See, e.g.*, NAMI METRO. BALT., BEYOND PUNISHMENT: HELPING INDIVIDUALS WITH MENTAL ILLNESS IN MARYLAND'S CRIMINAL JUSTICE SYSTEM 44 (2009), [http://namimd.org/uploaded\\_files/35/Beyond\\_Punishment.pdf](http://namimd.org/uploaded_files/35/Beyond_Punishment.pdf); *Parole and Probation Part of Baltimore's Unique Veterans Court*, MD. DEP'T PUB. SAFETY & CORRECTIONAL SERVICES (Nov. 15, 2016), <http://news.maryland.gov/dpscs/2016/11/15/parole-and-probation-part-of-baltimores-unique-veterans-court/>; *Program Profile: Baltimore City (Md.) Drug Treatment Court*, CRIMESOLUTIONS.GOV (June 13, 2011), <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=69>.

128. *See Ray Lewis Joins Parole & Probation in Court*, *supra* note 125.

programs.<sup>129</sup> The DCREP team cross-checks the probation agent's information with the specific program in which the defendant is participating to ensure compliance and to track each individual's progress.<sup>130</sup> Each and every contact made by the DCREP team, whether by letter, phone call, or email, is recorded in an extensive database.<sup>131</sup> Additionally, the DCREP team created a formal filing system for each participant.<sup>132</sup> Due to this detailed recordkeeping, the DCREP team is able to provide quarterly reports to each judge for each of the individuals he or she enrolled into the program.<sup>133</sup>

#### D. Numbers and Success

In September 2016, the DCREP was formally rolled out to the entire Baltimore City District Court bench.<sup>134</sup> In the first six months, just one-third of the District Court judges enrolled over fifty individuals.<sup>135</sup> On March 9, 2017, the DCREP held its first graduation ceremony for twelve individuals at the John R. Hargrove District Court building.<sup>136</sup> Graduates brought family and friends as their guests, along with their probation agents, public defenders or private counsel, and program representatives.<sup>137</sup> The courtroom was at capacity with over 120 people in attendance.<sup>138</sup> Many judges from the Baltimore City District Court bench were in attendance, along with judges from the Baltimore City Circuit Court.<sup>139</sup> Mary Ellen Barbera, the Chief Judge of the Court of Appeals of Maryland, and

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129. *See, e.g.*, 2017 DCREP Grant Application, *supra* note 1.

130. *See id.*

131. *See id.*

132. *See id.*

133. *See id.*

134. *See* News Release, Office of Commc'ns & Pub. Affairs, Md. Courts, *supra* note 8.

135. *E.g.*, 2017 DCREP Grant Application, *supra* note 1; DCREP Presentation, *supra* note 1.

136. Program, Baltimore City District Court Reentry Project (DCREP) Graduation Ceremony (Mar. 9, 2017). On August 25, 2017, the DCREP held its second graduation ceremony for twenty-six individuals at the John R. Hargrove District Court building, where former Baltimore Ravens fullback Obafemi "Femi" Ayanbadejo and radio personality Johnny "Porkchop" Doswell were motivational speakers. Press Release, Md. Judiciary, Baltimore District Court Reentry Project Celebrates Graduates (Sept. 28, 2017), <http://www.pressreleasepoint.com/baltimore-district-court-reentry-project-celebrates-graduates>; Program, Baltimore City District Court Reentry Project (DCREP) Graduation Ceremony (Aug. 25, 2017). On December 5, 2017, the DCREP will hold its third graduation ceremony for over thirty individuals at the Borgerding District Court Building. Pastore Klein, Remarks, *supra* note 108.

137. 2017 DCREP Grant Application, *supra* note 1.

138. *Id.*

139. *See supra* note 98.

District Court Chief Judge John Morrissey opened the ceremony and expressed their support for the DCREP.<sup>140</sup> Super Bowl XXXV Most Valuable Player and future NFL Hall of Famer Ray Lewis was a motivational keynote speaker.<sup>141</sup> The ceremony was followed by a luncheon with food and flowers generously donated by local restaurants.<sup>142</sup> Each graduate received a framed diploma and a gift bag containing: a copy of *The Other Wes Moore*, donated by author Wes Moore; a backpack and t-shirt, donated by Under Armour; and a compass, donated by Judge Pastore Klein, to encourage the graduates to stay on the right path.<sup>143</sup> It was a joyous and inspiring event for the graduates, their families, and for the community.<sup>144</sup> For many of the graduates, it was their first graduation ceremony and the first positive accomplishment that their families could celebrate.<sup>145</sup>

#### E. *Continued Program Growth*

In less than one year, the DCREP has gained such traction that it has extended beyond criminal proceedings.<sup>146</sup> In that regard, “[t]he program has grown to accept ‘referrals.’”<sup>147</sup> “These are individuals who have had their criminal cases dismissed, placed on the stet docket,” or transferred to Circuit Court through a jury trial prayer.<sup>148</sup> Attorneys may also refer their clients prior to a trial date.<sup>149</sup> Other referrals include individuals that have difficulty obtaining employment due to criminal records or pending charges, and who learn about the DCREP by word-of-mouth.<sup>150</sup>

Referrals are also made through the Baltimore City District Civil Court.<sup>151</sup> <sup>152</sup> There are sign-up sheets placed in courtrooms for the

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140. 2017 DCREP Grant Application, *supra* note 1.

141. *Id.*; News Release, Office of Commc’ns & Pub. Affairs, Md. Courts, *supra* note 8.

142. *See* 2017 DCREP Grant Application, *supra* note 1.

143. *Id.*

144. *See supra* note 98.

145. *See supra* note 98.

146. *E.g.*, PASTORE KLEIN, *supra* note 1, at 3; 2017 DCREP Grant Application, *supra* note 1.

147. PASTORE KLEIN, *supra* note 1, at 2; 2017 DCREP Grant Application, *supra* note 1.

148. PASTORE KLEIN, *supra* note 1, at 2.

149. *Id.*

150. *See id.*

151. 2017 DCREP Grant Application, *supra* note 1.

152. Located at 501 East Fayette Street, Baltimore, Maryland 21202-4013, the Baltimore City District Civil Court is the fourth district courthouse in the city, and it exclusively hears civil and real property matters. Baltimore City District Court *Locations*, *supra* note 116.

rent court docket, rent escrow docket, and other civil matters where defendants may be in need of job placement assistance.<sup>153</sup> Nearly half of the individuals enrolled currently have come through various court referrals, dismissed cases, or civil proceedings.<sup>154</sup> These non-probation referrals are tracked on a spreadsheet separate from the probation participants.<sup>155</sup> These participants are still eligible to participate in the graduation ceremony if they complete their program's requirements.<sup>156</sup>

The DCREP has recently expanded into pre-trial services.<sup>157</sup> The program works exclusively with only one of the thirteen participating programs, America Works, and has one designated pre-trial services agent to whom individuals report up to and until their trial date.<sup>158</sup> The pre-trial participants are also tracked on a third spreadsheet separate from the probation and referral participants.<sup>159</sup> At the time of trial, if the pre-trial participant has complied with the requirements of America Works, the defendant's status may be converted to allow them to continue as part of their probation if the defendant: is found guilty or receives a probation before judgment, is referred, is placed on the stet docket, is nolle prosequed, is found not guilty, or prays a jury trial.<sup>160</sup> Much like the non-probation referrals, the pre-trial participants, if converted, also remain eligible to participate in the graduation ceremony if they complete their program's requirements.<sup>161</sup>

As of November 2017, approximately 300 individuals have been enrolled in the DCREP:<sup>162</sup> one hundred seventy pursuant to a condition of probation;<sup>163</sup> ninety as a result of a referral through one of the outlets laid out above;<sup>164</sup> and forty awaiting trial pursuant to pre-trial supervision.<sup>165</sup>

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153. 2017 DCREP Grant Application, *supra* note 1.

154. *See id.*

155. *See id.*

156. PASTORE KLEIN, *supra* note 1, at 3.

157. *See, e.g.*, 2017 DCREP Grant Application, *supra* note 1; *supra* note 98.

158. *See supra* note 98.

159. *See supra* note 98.

160. *See supra* note 98.

161. *See supra* notes 98, 156 and accompanying text.

162. Pastore Klein, Remarks, *supra* note 108.

163. *Id.*

164. *Id.*

165. *Id.*

## V. DCREP COMPARED TO OTHER RE-ENTRY PROGRAMS

The DCREP is distinguishable from nearly all other court re-entry programs because the DCREP is not a prison release program.<sup>166</sup> Rather, an individual can enroll in the DCREP in one of three ways: (1) through criminal court in lieu of jail time or as a condition of probation; (2) through criminal or civil court voluntarily with a referral from a judge; or (3) as a condition of pre-trial services.<sup>167</sup> While the DCREP is distinguishable, it is still important to examine the success of other re-entry programs at reducing recidivism rates.<sup>168</sup>

Recidivism is widely “defined as the rearrest, reconviction, or reincarceration of an ex-offender within a given time frame.”<sup>169</sup> A 2014 Department of Justice Bureau of Justice Statistics (BJS) study showed alarmingly high recidivism rates in the United States.<sup>170</sup> The BJS tracked prisoners for five years following release in thirty states and found that 67.8% of the 404,638 state prisoners released in 2005 were arrested within three years of release, and that 76.6% were arrested within five years of release.<sup>171</sup> Re-entry programs are intended to lower these statistics by preparing ex-offenders “to return safely to the community and to live as law-abiding citizens” after their incarceration period is over.<sup>172</sup> But do re-entry programs actually lower recidivism rates?

Numerous studies have found that re-entry programs actually do lower recidivism rates.<sup>173</sup> The Center for Court Innovation, located in New York City, studied the Harlem Parole Reentry Court and

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166. See NATHAN JAMES, CONG. RESEARCH SERV., OFFENDER REENTRY: CORRECTIONAL STATISTICS, REINTEGRATION INTO THE COMMUNITY, AND RECIDIVISM 12, 17–20 (2015), <https://fas.org/sgp/crs/misc/RL34287.pdf> (discussing federal funding programs for state re-entry efforts aimed at individuals exiting correctional facilities).

167. See, e.g., PASTORE KLEIN, *supra* note 1, at 2; 2017 DCREP Grant Application, *supra* note 1.

168. See *infra* notes 173–88 and accompanying text.

169. JAMES, *supra* note 166, at 5.

170. See DUROSE, *supra* note 67, at 1.

171. *Id.*

172. JAMES, *supra* note 166, at 1.

173. See, e.g., ZACHARY HAMILTON, CTR. FOR COURT INNOVATION, DO REENTRY COURTS REDUCE RECIDIVISM?: RESULTS FROM THE HARLEM PAROLE REENTRY COURT 29 (2010), [http://www.courtinnovation.org/sites/default/files/Reentry\\_Evaluation.pdf](http://www.courtinnovation.org/sites/default/files/Reentry_Evaluation.pdf); Elinore Marsh Stormer, *Reentry Courts Aim to Reduce Offender Recidivism*, OHIO ST. B. ASS’N (Mar. 28, 2011), <https://www.ohiobar.org/forpublic/resources/lawyoucanuse/pages/lawyoucanuse-665.aspx>; *About Re-Entry & the Collaborative Lawyering Projects*, JUST. & ACCOUNTABILITY CTR. LA., <https://www.jaclouisiana.org/re-entry> (last visited Nov. 20, 2017).

found that the program “has a positive impact with regard to preventing new criminal behavior — rearrests and reconvictions.”<sup>174</sup> Additionally, the study found that “Reentry Court participants are also reconvicted less frequently, when compared to parolees under traditional supervision and these differences reach significant levels across all three follow-up years.”<sup>175</sup> Another study conducted in Summit County, Ohio, found their re-entry program, which closely monitors offenders released from prison, to be effective.<sup>176</sup> In Summit County, Ohio, those offenders who are released “with traditional supervision return to the penal system about 45 percent of the time. In contrast, those who successfully graduate from the Summit County reentry court program have a recidivism rate of about 20 percent, based upon the statistics collected since the court was created in September 2006.”<sup>177</sup>

Louisiana has one of the highest incarceration rates in the United States, incarcerating 847 people per 100,000;<sup>178</sup> therefore, transitioning the inmates to citizens is imperative.<sup>179</sup> Louisiana’s Re-Entry Court program “allows the state’s younger inmates who qualify to learn a trade . . . from plumbing to welding to culinary arts,” and “also provides them with hours of classes on anger management and communication.”<sup>180</sup> The Justice and Accountability Center of Louisiana found that the recidivism rate for Re-Entry Court program graduates is about 10% annually, and within five years of its inception, re-entry “graduates have decreased their likelihood for recidivism by 400%.”<sup>181</sup> Aside from lowering recidivism rates, Louisiana also found the re-entry program to lower costs as well.<sup>182</sup> Incarceration costs in Louisiana in 2012 were “\$53.31 per person per day or \$19,458.15 annually,” but “[s]upervision costs for Re-Entry Court participant probation are currently only \$2.56 per person per day or \$934.40 annually.”<sup>183</sup>

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174. HAMILTON, *supra* note 173, at 29.

175. *Id.*

176. *See* Stormer, *supra* note 173.

177. *Id.*

178. E. ANN CARSON, U.S. DEP’T OF JUSTICE, PRISONERS IN 2013, at 6 (2014), <https://www.bjs.gov/content/pub/pdf/p13.pdf>.

179. *See* Matt Ferner, *These Programs Are Helping Prisoners Live Again on the Outside*, HUFFPOST (Sept. 9, 2015), [https://www.huffingtonpost.com/entry/if-we-want-fewer-prisoners-we-need-more-compassion-when-they-re-enter-society\\_us\\_55ad61a5e4b0caf721b39cd1](https://www.huffingtonpost.com/entry/if-we-want-fewer-prisoners-we-need-more-compassion-when-they-re-enter-society_us_55ad61a5e4b0caf721b39cd1).

180. *Id.*

181. *About Re-Entry & the Collaborative Lawyering Projects*, *supra* note 173.

182. *Id.*

183. *Id.*



There have also been positive effects on recidivism rates in San Francisco, California.<sup>184</sup> In 2005, a District Attorney in San Francisco launched a program similar to the DCREP, called Back on Track (BOT), designed to target young adults aged 18–30, “who are facing charges for their first felony offense for a low-level drug sale.”<sup>185</sup> BOT is similar to the DCREP because it is not a prison release program; rather, “[a]t charging, [the] prosecuting attorneys refer potential participants to BOT.”<sup>186</sup> The program provides participants with job training and placement, case management, mental health services, educational opportunities, and many other important services.<sup>187</sup> Over the course of two years, BOT “has reduced recidivism among its graduates to less than 10 percent. In comparison, 53 percent of California’s drug offenders return to prison or jail within 2 years of release.”<sup>188</sup>

## VI. CONCLUSION

The court system is not solely about punishment.<sup>189</sup> Judges need to consider sentencing options that allow people to break the cycle of joblessness, poverty, and crime.<sup>190</sup> Unless defendants are offered a meaningful opportunity to better themselves, the cycle will perpetuate.<sup>191</sup> The DCREP gives individuals that opportunity to learn a trade, become employed, become a role model, and become a productive member of society.<sup>192</sup> In turn, these opportunities will ultimately reduce the recidivism rate and forecast a more positive economic and social outlook for our city.<sup>193</sup>

April 2015 was a dark time for Baltimore, and the future of the city demanded opportunities for economic growth and advancement.<sup>194</sup> The DCREP provides just that—a chance for people with criminal records to end the cycle of poverty and recidivism through

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184. See JACQUELYN L. RIVERS & LENORE ANDERSON, U.S. DEP’T OF JUSTICE, BACK ON TRACK: A PROBLEM-SOLVING REENTRY COURT 1 (2009), <https://www.bja.gov/Publications/BackonTrackFS.pdf>.

185. *Id.*

186. *Id.*

187. *Id.* at 2.

188. *Id.* at 1.

189. *E.g.*, PASTORE KLEIN, *supra* note 1, at 2; DCREP Presentation, *supra* note 1.

190. See PASTORE KLEIN, *supra* note 1, at 2.

191. See *supra* Parts II, IV.

192. See *supra* Section IV.A.

193. See *supra* Sections II.B, IV.A, V.

194. See *supra* notes 99–103 and accompanying text.

sustainable employment.<sup>195</sup> The first twelve DCREP graduates mark the initial promise for a program that seeks to mend the social cracks which came to the forefront during the 2015 unrest.<sup>196</sup> Now, with over 300 participants and soon to be thirty graduates in December, the DCREP continues to expand and change the lives of even more participants.<sup>197</sup> Under the leadership of Judge Pastore Klein, the DCREP has enabled the Baltimore City District Court to become a force for positive change in the healing, recovery, and growth of Baltimore City.<sup>198</sup>

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195. *See supra* Sections II.B–C, IV.A.

196. *See, e.g.*, PASTORE KLEIN, *supra* note 1, at 2; 2017 DCREP Grant Application, *supra* note 1.

197. Pastore Klein, Remarks, *supra* note 108.

198. 2017 DCREP Grant Application, *supra* note 1.

THE OFFICE OF

**GOVERNOR GRETCHEN WHITMER**



WHITMER

# Gov. Whitmer Announces 'Jobs Court' Pilot Program to Keep Communities Safe by Putting Michiganders to Work

**FOR IMMEDIATE RELEASE**

November 3, 2021

Contact: [Press@Michigan.gov](mailto:Press@Michigan.gov)

## **Gov. Whitmer Announces 'Jobs Court' Pilot Program to Keep Communities Safe by Putting Michiganders to Work**

*Part of Administration's \$75 million MI Safe Communities Framework to reduce crime and protect public safety*

**LANSING, Mich.** -- Today, as part of Governor Whitmer's MI Safe Communities Plan, Lieutenant Governor Garlin Gilchrist II joined Attorney General Dana Nessel, the Michigan Regional Council of Carpenters and Millwrights, Detroit Manufacturing Systems, Goodwill Industries, the United Auto Workers, other businesses across state, and representatives from the law enforcement and criminal justice communities to announce a new proposal called Jobs Court, which would put Michiganders accused of low-level, nonviolent offenses in good-paying jobs to reduce recidivism and help businesses staff up.

"The Jobs Court proposal we unveiled today will make a crucial difference for Michiganders, their families, and communities," said **Governor Gretchen Whitmer**. "Jobs Court will help address the backlog in our court system, fill job openings across the state, grow our economy, and connect those in need with critical resources. I'm thankful for the hard work of Attorney General Nessel in putting this proposal together and look forward to working with the legislature to get it done."

The new proposal, part of the larger MI Safe Communities framework the governor laid out in **August**, would make a \$5.5 million investment to establish Jobs Court, a pilot program to give up to 450 eligible defendants in Wayne, Genesee and Marquette counties accused of low-level, nonviolent crimes an opportunity to obtain and maintain gainful employment.

"Today's announcement is an important step forward in our efforts to reform Michigan's criminal justice system so that it is focused on rehabilitation and positioning people for success," said **Lieutenant Governor Garlin Gilchrist II**. "Jobs are the key to success, and Jobs Court will support eligible Michiganders by connecting them with good-paying jobs, benefits, and the social services assistance they need to support themselves and their families. With today's proposal we are addressing a root cause of public safety issues by connecting eligible offenders with the support they need to find and maintain employment."

"Jobs Court is an innovative program that checks all of the boxes: it's smart on crime, reduces the burden on our criminal justice system, puts offenders on a permanent path to success, helps our local businesses, and makes our communities safer," said **Attorney General Dana Nessel**. "I am grateful to Governor Whitmer for including my proposal as part of her MI Safe Communities framework and I look forward to working with the Legislature and our local law enforcement partners on this groundbreaking new initiative."

Individuals who qualify and are selected for Jobs Court would be matched with participating employers to work a good-paying job with benefits, opportunity, and training to learn transferable career skills. They will be required to maintain frequent and open communication with their employer and with the State of Michigan to ensure accountability and compliance with the requirements of the program and will be eligible for wraparound services such as mental healthcare, transportation to and from work, and access to a social worker. Prosecutors will be offered the option to dismiss charges against Jobs Court participants who successfully complete the one-year program.

"Survey after survey tell us that the public wants courts that are engaged with local communities and connected with the people they serve," said **Chief Justice Bridget M. McCormack**. "Jobs Court provides exactly what the public is asking for - courts that are community resources, helping to connect people with jobs and the support they need to get their lives back on track. This is not a free ride but a common sense approach that solves problems and strengthens communities."

The Jobs Court proposal is modeled in part on the successful programs the Michigan Department of Corrections (MDOC) has launched to provide prisoners with education, skills, and job training in high-demand fields. Since 2016, MDOC programs such as Vocational Village have delivered training in automotive technology, welding, robotics, computer coding, commercial truck driving, forklift operation, carpentry, plumbing, electrical trades, and concrete and masonry work. MDOC's work in this field has resulted in higher employment rates for released prisoners and Michigan's lowest recidivism rate in state history.

"What an amazing opportunity! A good-paying job with benefits is everything," said **N. Charles Anderson, President/CEO of the Urban League of Detroit & Southeastern Michigan**. "This Jobs Court prosecutorial diversion program will help Michiganders who have committed nonviolent offenses earn a good wage with benefits, learn new employable skills, and get back on their feet, setting them up for success, period. This is a bold initiative that targets criminal

justice issues at their roots. We're very appreciative for the partnership of Attorney General Nessel and Governor Whitmer in proposing this crucial, much needed reform to our criminal justice system."

"Today's announcement is a welcome step forward for Michiganders," said **Dan Varner, President and CEO of Goodwill Industries of Greater Detroit**. "Not only will this proposal help clear up the court backlog and help employers fill job openings, it will mean a path forward for Michiganders who have made mistakes. It's a step towards a healthier, better justice system focused on reducing recidivism. We're thankful for the partnership of Governor Whitmer and Attorney General Nessel in making this proposal."

"Governor Whitmer's Jobs Court proposal will make a difference on the ground for both business owners and Michiganders," said **George Wilkinson, President of NorthGate**. "By giving Michiganders who have committed low-level, nonviolent offenses a second chance, and helping business owners fill job openings, this groundbreaking program will be beneficial for everyone. NorthGate appreciates the vision and focus of this program and we look forward to continuing to work with legislative representatives to get this program enacted."

"At DMS, we are passionate about helping others reach their full potential to succeed in life," said **Bruce Smith, Majority Owner, Chairman & CEO of Detroit Manufacturing Systems (DMS)**. "Having the opportunity to partner with the MI Jobs Court to provide program participants with an opportunity to obtain gainful employment is exciting because we enjoy helping people grow, rise and give back. Accordingly, we are grateful to be a part of the Governor and Attorney General's MI Jobs Court program."

"Providing people with another chance in life and an opportunity to contribute to society is good for businesses and communities throughout Michigan," said **Glenn Stevens, Executive Director of MICHauto and Vice President of Automotive and Mobility Initiatives Detroit Regional Chamber**. "MICHauto is proud to support the Jobs Court initiative and applauds Gov. Whitmer and Attorney General Nessel for their leadership in developing the program. Companies throughout our state need talent, and this pilot program has the potential to change the trajectory of people's lives, and help grow Michigan's economy and labor force."

"The Michigan Jobs Court Pilot Program represents a tremendous opportunity to curb recidivism and help fill the gap in Michigan's skilled-trades workforce," said **Tom Lutz, Executive Secretary-Treasurer of the Michigan Regional Council of Carpenters and Millwrights**. "We know the transformative power of giving someone the skills and the opportunity to work for a better life, and we are proud to give this program our full support."

## MI Safe Communities

The \$75 million MI Safe Communities proposal was the result of hundreds of conversations the governor and her team had with law enforcement officers, community leaders, faith leaders, and families over several months. Based on those conversations, the governor announced the

three-pillar MI Safe Communities framework in July.

MI Safe Communities would:


- Invest more money into Michigan's police departments to strengthen training policies and programs and foster collaboration between the Michigan State Police and local departments on specialty services.
- Increase the number of visiting judges with funding for prosecution and defense to tackle the backlog of criminal cases that has piled up during the pandemic, to protect the rights of defendants and help the justice system operate more efficiently while maintaining public safety.
- Make comprehensive investments to expand opportunity through Michigan's education, jobs, and justice system including Collaborative Community Violence Intervention Programs, counseling, peer support, mediation, and social services to hospital patients recovering from violent injuries and prevent further violence and injuries.

The administration will make **additional announcements** on MI Safe Communities in early November.

### Funding Law Enforcement

Since taking office, Governor Whitmer has signed budget bills delivering \$1.4 billion to local governments to help them fund local police, fire departments, and emergency medical services. She has also delivered \$40 million in COVID hazard pay for local officers and first-responders and over \$10 million premium pay for MSP troopers. These dollars help ensure police are better equipped to fight crime today and have the resources to fight crime tomorrow.

### Budget

Earlier this month, the governor signed the Fiscal Year 2022 budget bill that delivers more resources to state police to help them hire more troopers and expand and improve training. The latest budget also invests in 911 system upgrades and delivers on the kitchen-table fundamental issues that make our communities stronger: putting 167,000 Michiganders on a tuition-free path to higher-education or skills training, expanding low or no-cost childcare to 105,000 kids, repairing or replacing 100 bridges while creating 2,500 jobs, and more. 

Earlier this year, Governor Whitmer and legislature worked together to put Michigan students first and passed the largest significant education investment in state history, closing the funding gap between schools in Michigan and including a historic amount of resources for schools to hire more nurses, counselors, and social workers. Early investments in mental and social health help reduce crime in the long run.

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