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POSITION ON PROPOSED LEGISLATION

BILL: House Bill 92 REAP Act (Resources and Education for All Prisons)

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 1/19/2024

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 92 with strong urging in support of requiring the Department of Public Safety and Correctional Services to assist incarcerated individuals in accessing federal Pell Grants for higher education. Educational attainment is a key factor to reducing recidivism which in turn increases public safety because access to Pell grants and obtaining a college degree will aid in the successful reintegration of returning citizens of Maryland. In July 2023, the Federal Bureau of Prisons wrote an article entitled, *Pell Grants Restores Possibilities for Incarcerated People*, and states, "...the Pell Grant is now available to all qualified incarcerated people to further pursue post-secondary education for jobs with livable wages." (BOP, July 2023)

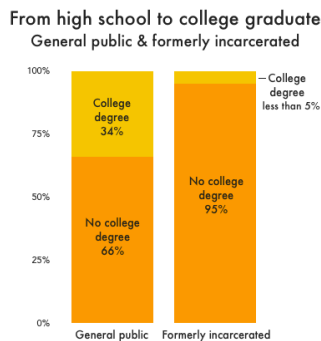
Further, Prison Policy Initiative article, *Getting Back on Course: Educational exclusion and attainment among formerly incarcerated people* (October 2018), found education is especially critical for people seeking employment after release from prison. Building on our previous research, which revealed a staggering 27% unemployment rate among formerly incarcerated people, we find that those with low levels of formal education face even higher unemployment rates.

The Maryland Department of Public Safety and Correctional Services, Mission clearly implies that rehabilitation is the standard:

Our primary objective is to ensure safety so that all Marylanders can enjoy living and working in the state. We are achieving this by increasing security in our institutions and supplying offenders and former-offenders the tools necessary to stay out of the criminal justice system.

The following empirical evidence is provided in support of identifying what those “necessary tools” would be for “offenders and former-offenders” to stay out of the criminal justice system. The Prison Policy Initiative, *Arrest, Release, Repeat: How police and jails are misused to respond to social problems*, August 2019 found: **Low educational attainment increases the likelihood of arrest**, especially multiple arrests. Two-thirds (66%) of people with multiple arrests had no more than a high school education, compared to half (51%) of those who were arrested once and a third (33%) of people who had no arrests in the past year.

There is a nexus between higher educational attainment, and access to higher skill-level jobs. The Prison Policy Initiative article, *Getting Back on Course: Educational exclusion and attainment among formerly incarcerated people* (October 2018), found when it comes to *completing college*, the gap widens further: 29% of the U.S. population in 2008, compared to less than 4% of formerly incarcerated people, held a college degree. The difference is even more pronounced among those who hold a high school diploma or GED: While those in the general public have a 1 in 3 chance of attaining a college degree, **a formerly incarcerated person’s chances are less than 1 in 20.**



Although our data did not allow us to track whether people went to college before, during, or after incarceration, such low rates of postsecondary education among formerly incarcerated

people suggests that people who have access to college rarely go to prison and criminalized people rarely have the opportunity to get a college degree.

In 2008, the Urban Institute, Justice Policy Center published a report entitled, *Putting Public Safety First: 13 Strategies for Parole Supervision Strategies to Enhance Reentry Outcomes*, cited the work Carl Wicklund, executive director of the American Probation and Parole Association, stating, “There is a body of research based on the “what works” research and evidence-based practices. Conditions should focus on interventions and rules that have the promise to reduce crime and promote successful outcomes. To the extent that conditions can focus attention and resources on the most powerful criminogenic factors, the likelihood of success will increase.”

We clearly know “what works”. And yet, Maryland has a notorious reputation for the over incarceration of our citizens, Maryland has an incarceration rate of 531 per 100,000 people (including prisons, jails, immigration detention, and juvenile justice facilities), meaning that it locks up a higher percentage of its people than almost any democratic country on earth. (Prison Policy Initiative, Maryland Profile)

Julian Adler, Director of Policy and Research for the Center for Court Innovation, stated in his book entitled, *Start Here: A Road Map to Reducing Mass Incarceration*, “Everyone who comes in the courtroom is a member of the community.” Maryland must move towards a palpable commitment to reducing mass incarceration. We must reinvest in our communities, increase our public safety, and invest in our returning citizens, so that we are all free.

“Good government is about making strong choices. And we are going to make the choice to act on public safety – in a way that is robust, strategic, and moves with an urgency that the issue demands; in a way that doesn't just react to crime, but actually prevents crime.”

Governor Wes Moore

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable finding for HB92.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

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