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Charles County

Judiciary Committee

Subcommittees

Juvenile Law

Public Safety



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Chair Smith and Vice Chair Waldstreicher
Senate Judicial Proceedings
2 East Miller Senate Office Building
Annapolis, MD 21401

April 6, 2021

Dear Chair Smith, Vice Chair Waldstreicher and Committee Members:

I am pleased to present House Bill 100 - Correctional Services – Inmate Cost of Living Report – Maryland Correctional Enterprises Diversity Report. This legislation expands the information provided in the Commissioner of Corrections Annual Report to include information relating to the cost of living inside correctional facilities including but not limited to the cost of phone and video calls, hygiene products and other commissary items. The bill also requires the Correctional Financial and Operational Report of the Maryland Correctional Enterprises (MCE) to disaggregate the job classification and wage scale of inmates employed at MCE by race, age and sex.

Current law requires the Commissioner of Corrections to submit an annual report including the number of inmates, demographic breakdown, inmate's employment status, job classification and wage scale. I applaud recent efforts by the legislature to require additional reporting on inmate wages and working conditions and believe this bill would expand on those earlier efforts. To understand the full cost of living inside correctional facilities, however, the legislature must demand transparency not just on inmate wages but also on the cost of goods and services behind bars. Families of incarcerated individuals bear the burden of excessive costs, as they often provide funds for family members living in correctional institutions. My office has received correspondence from several incarcerated individuals testifying to rising prices on food and hygiene products, increasing upwards of 10% annually while wages remain stagnant for years on end at less than one dollar per day, in some cases.

To better understand the history of this issue, we must go back several years. The Federal Communications Commission issued a ruling in 2015 which substantially decreased prison phone rates, but those regulations have recently been rolled back under the Trump administration.¹ Making communication with family members more affordable is not only the

¹ Marimow, Ann. "FCC made a case for limiting cost of prison phone calls. Not anymore." *The Washington Post*. 5 February 2017.

humane thing to do – research indicates that it reduces recidivism rates, making communities safer in the long term.²

High commissary costs disproportionately affect African-Americans, who make up over 70% of the Maryland prison population, more than double their representation in the general population.³ Similarly, incarcerated women face challenges paying for expensive menstrual hygiene products, products which the state is already supposed to provide free of charge.⁴

Moreover, my office has heard concerns that Maryland Correctional Enterprises has discriminatory hiring and promotion practices, resulting in differential job classification and wage scales when comparing minority incarcerated individuals with their white peers. Disaggregated reporting will help to shine a light on this issue and allow the legislature and concerned advocates to address concerns around inequitable labor practices.

Similar legislation calling for commissary and phone call reporting was introduced in 2018, but was stripped out of the final version of the bill that passed in 2019. The fiscal note on the 2018 legislation as well as the [fiscal note on the current iteration of this bill](#) indicated that the Dept. for Public Safety and Correctional Services would be able to conduct additional reporting within existing resources. Should cost be a concern to the Committee, it is important to remember that incarcerated individuals via their work with Maryland Correctional Enterprises generate \$2.5 million annually which is transferred to the State's general fund.

For the above reasons, I respectfully request a favorable report on HB 100.

Sincerely,

Delegate Debra M. Davis
District 28, Charles County

² Nancy G. La Vigne, Rebecca L. Naser, Lisa E. Brooks, & Jennifer L. Castro, "Examining the Effect of Incarceration and In-Prison Family Contact on Prisoners' Family Relationships." *Journal of Contemporary Criminal Justice*, 2005.

³ 2018 Division of Correction Annual Report, p. 37.

⁴ Marimow, Ann. "A new law promised Maryland's female inmates free tampons. They're still paying." *The Washington Post*. 5 June 2019.

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Department of Public Safety and Correctional Services



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CATHERINE KAHL
ACTING DIRECTOR

BILL: HOUSE BILL 100

POSITION: SUPPORT WITH AMENDMENT

EXPLANATION: This bill requires that the Commissioner of Correction and Maryland Correctional Enterprise (MCE) include in their annual reports additional specific data regarding the cost of living of inmates. However, the additional reporting elements proposed by the bill should be clarified to better reflect the data that can actually be collected and reported.

Comments:

- The Department's Division of Correction (DOC) operates approximately 17 State correctional facilities which house offenders sentenced to incarceration for 18 months and longer. The Department also runs the Baltimore City Jail, which houses pretrial detainees and inmates sentenced to incarceration for 18 months and less.
- The DOC is currently statutorily obligated to submit to the legislature an annual report on certain data, including: (i) all expenses, receipts and disbursement at each facility; (ii) inmate characteristics including, age, race, conviction and term of confinement, (iii) the number of inmates who escape, are pardoned or discharged; (iv) the job classification for inmate labor at each facility; (v) the daily wage scale at each facility; the total number of inmates currently employed at each facility; and, (vi) the total number of inmates currently employed at each facility.
- HB100 would expand the current reporting requirement by requiring the DOC to capture and annually report on data related to the average cost of living for inmates, including the average cost of:
 - o Telephone calls, including calls to medical providers;
 - o Video calls; and,
 - o Items available for purchase at the commissary, including feminine hygiene products, toiletries, and medications.
- **The language used in HB100 is misleading as it relates to the "average cost of living for inmates."** There is no cost of living charge for the incarcerated population. The Department supplies inmates with lodging, food, clothing and a supply of toiletries, including feminine

hygiene products, at no cost to the incarcerated individuals. The State expends \$3,900 per incarcerated individual per month (including overhead).

- **The Department is able to provide the cost of a call by the minute, but not the average amount each inmate spends on telephone calls.** Currently, the Department is offering five, free, fifteen minute phone calls to the entire incarcerated population per week. Calls exceeding this offer cost .032 cents per minute, which is one of the lowest rates in the nation.
- The Department utilizes a combination of contractual medical treatment providers and medical treatment providers employed directly by the State to provide robust treatment to the incarcerated population at each state correctional facility. All medical calls are made by the medical providers, not the incarcerated population.
- The Department does not charge for a video call made by an inmate.
- In terms of the commissary items available for purchase, the Department is able to provide a list and cost of items available for purchase at the Commissary.
- HB100 requires MCE to list the race, age, and sex of inmates currently employed at facilities under the authority of MCE by job classification and wage scale. MCE is able to provide this information as part of their annual report.
- The Department would like to offer the following Amendments to the bill:
 - Strike, “living for inmates, including the average cost of” in section (a) (7) beginning in line 8, on page 2
 - Strike, “including calls to medical providers” in section (a)(7)(I) in line 10, on page 2
 - Strike “Video calls” in section (a)(7)(II) in line 12 on page 2

CONCLUSION: The Department of Public Safety and Correctional Services urges a **FAVORABLE** committee report on House Bill 100 **with amendments**.