



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

## POSITION ON PROPOSED LEGISLATION

**BILL: HB416 — Rehabilitation and Education for All Prisons (REAP) Act**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: 02/17/2023**

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 416. This bill would require the Department of Public Safety and Correctional Services (“DPSCS”) to set certain goals for the number of incarcerated persons in rehabilitation programs and establish certain tracking systems in conjunction with the Department of Education and the Department of Human Services to assist the Department of Public Safety and Correctional Services in establishing certain tracking systems. The bill would also require DPSCS to assist incarcerated persons in accessing federal Pell Grants.

Most people serving sentences in the Division of Correction (“DOC”) eventually leave custody. In 2019, DPSCS Secretary Robert Green estimated that 4,000 people would leave DOC that year.<sup>1</sup> The vast majority of those people are of working age.<sup>2</sup> All of the people who leave DOC custody rejoin our community and deserve to do so with support.

A stated policy purpose of incarceration is rehabilitation. The United States Sentencing Commission examined 25,431 federal offenders released in 2005, using a follow-up period of

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<sup>1</sup> Francis, D. C. R., & Caroom, P. (2019). *Maryland reentry roundtable report 2019*. Maryland Alliance for Justice Reform. Available online at: <https://www.ma4jr.org/wp-content/uploads/2020/01/2019-Reentry-Roundtable-Booklet.pdf>.

<sup>2</sup> The Maryland Department of Public Safety and Correctional Services reports that as of fiscal year 2019, 18,244 people were housed within the Division of Correction. Maryland Department of Public Safety and Correctional Services, Division of Correction, *Operations*, 41 (Nov. 14, 2019), [http://dlslibrary.state.md.us/publications/Exec/DPSCS/DOC/COR3-207\(d\)\\_2019.pdf](http://dlslibrary.state.md.us/publications/Exec/DPSCS/DOC/COR3-207(d)_2019.pdf). Of those, 2,362 were between the ages of 51 and 60 and 962 were over 60. *Id.*

eight years for its definition of recidivism.<sup>3</sup> For the eight years after their release, the Commission calculated a rearrest (not re-conviction) rate of 64.8% for the released persons younger than 30, 53.6% for the released persons between the ages of 30 and 39, 43.2% for the released persons between 40 and 49, 26.8% for the released persons between 50 and 59, and 16.4% for the released persons older than 59. *Id.* Across age groups, the recidivism rate in Maryland is estimated to be 40%.<sup>4</sup> Virginia maintains the lowest recidivism rate in the country at 23.4%, and credits that low rate to robust re-entry programming within the state's institutions.<sup>5</sup>

Our experience as advocates for incarcerated clients shows us that many incarcerated persons want to avail themselves of re-entry programming within DOC, but that access is a serious impediment. Wait list lines can be months or years long. The COVID-19 pandemic put an extended pause on programming generally, restricting access even further.

Our experience also shows us that at hearings on motions for modification, parole consideration, and other similar matters, judges and commissioners place particular emphasis on successful participation in programming. Incarcerated persons who are eligible for and interested in participating in DOC programming but have trouble accessing those programs are at a significant disadvantage at these hearings through no fault of their own.

Finally, our experience shows us that incarcerated persons need and deserve support in rejoining our community when they have completed their sentences. Many of our clients serve decades-long sentences and leave DOC to re-enter a community that is vastly different from the one they knew. They re-enter the life we take for granted to see the world has changed dramatically: technology, infrastructure, the job market, and the housing market are all unfamiliar. Re-entry programming helps people prepare to rejoin a changed community and thrive.

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<sup>3</sup> Kim Steven Hunt & Billy Easley, U.S. Sent'g Comm'n, *The Effects of Aging on Recidivism Among Federal Offenders* (2017), [https://www.uscc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171207\\_Recidivism-Age.pdf](https://www.uscc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171207_Recidivism-Age.pdf).

<sup>4</sup> Francis, D. C. R., & Caroom, P. (2019). *Maryland reentry roundtable report 2019*. Maryland Alliance for Justice Reform. Available online at: <https://www.ma4jr.org/wp-content/uploads/2020/01/2019-Reentry-Roundtable-Booklet.pdf>.

<sup>5</sup> Virginia Department of Corrections (2019). Virginia maintains the lowest recidivism rate in the country. [Press Release]. Available online at: <https://vadoc.virginia.gov/news-press-releases/2019/virginia-maintains-the-lowest-recidivism-rate-in-the-country>.

Increased access to programming and assistance securing federal Pell grants would allow more incarcerated persons to pursue their educational goals, better preparing them for successful and positive lives in the community.

This bill would get Maryland closer to the policy purpose of rehabilitation by directing DPSCS to set concrete goals for programming participation and access, and developing tracking systems to better ensure that those goals are being met.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on HB 416.**

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

**Authored by: Elise Desiderio, Assistant Public Defender II, [elise.desiderio@maryland.gov](mailto:elise.desiderio@maryland.gov)**