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POSITION ON PROPOSED LEGISLATION

BILL: HB 661 – Workgroup to Study Reentry

FROM: Maryland Office of the Public Defender

POSITION: Favorable with amendments

DATE: 2/22/2023

The Maryland Office of the Public Defender respectfully requests that this Committee issue a favorable report with amendments on House Bill 661.

Reentry services – preparing incarcerated individuals for their release from prison, developing a robust reentry plan that meets their needs when released, and providing support as they make that transition – significantly reduce recidivism and greatly increase the likelihood that a returning citizen will be a successful and contributing member of society. House Bill 661 creates a workgroup to “study the current role of State and local agencies in the reentry of formerly incarcerated individuals after completing their terms of confinement in State and local correctional facilities” and “make recommendations regarding policy changes for improvement of reentry in the State.” The Office of the Public Defender (OPD) supports this bill in the hope that it will improve reentry planning, services and support for returning citizens, but recommends changes in the membership of the Workgroup to help it accomplish this important goal.

The OPD recommends the following changes to subsection (b) of the bill, which sets forth the membership of the Workgroup:

(b) The Workgroup consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) ~~the Secretary of State Police, or the Secretary's designee;~~ THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(4) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

(I) ONE STATE'S ATTORNEY WHOSE OFFICE HAS A SENTENCE REVIEW UNIT, OR THE STATE'S ATTORNEY'S DESIGNEE;

(II) TWO REPRESENTATIVES OF TWO LOCAL GOVERNMENTAL ORGANIZATIONS THAT ASSIST INDIVIDUALS WHO HAVE BEEN INCARCERATED WITH RE-ENTRY; AND

(III) A RESEARCHER FROM AN AREA ACADEMIC INSTITUTION WITH EXPERIENCE ANALYZING DATA ON REENTRY ISSUES

~~(4)~~ (5) the Public Defender, or the Public Defender's designee;

(6) THE FOLLOWING MEMBERS APPOINTED BY THE PUBLIC DEFENDER:

(I) TWO REPRESENTATIVES OF TWO NON-GOVERNMENTAL ORGANIZATIONS WITH EXPERIENCE ASSISTING INDIVIDUALS WHO HAVE BEEN INCARCERATED WITH RE-ENTRY; AND

(II) THREE INDIVIDUALS WHO HAVE BEEN INCARCERATED AND ARE NOW WORKING OR VOLUNTEERING IN THE FIELD OF PRISONER RE-ENTRY;

~~(5)~~ ~~the President of the Maryland State's Attorneys' Association, or the President's designee;~~

~~(6)~~ (7) the Executive Director of the American Civil Liberties Union of Maryland, or the Executive Director's designee; and

~~(7) the President of the Maryland State Lodge of the Fraternal Order of Police, or the President's designee.~~

(8) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE; AND

(9) THE FOLLOWING MEMBERS APPOINTED BY THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES:

(III) ONE REPRESENTATIVE OF THE DIVISION OF CORRECTION;

(II) ONE REPRESENTATIVE OF THE PAROLE COMMISSION;
AND

(III) ONE REPRESENTATIVE OF THE DIVISION OF PAROLE AND PROBATION.

Here's why we're recommending these changes:

Adding the Executive Director of the Governor's Office of Crime Prevention, Youth, and Victim Services, or the Executive Director's designee. Adding the Executive Director or their designee ensures that the Governor's perspective is heard in the Workgroup meetings and informs the Workgroup's deliberations and proposals. In addition, the Executive Director is well situated to facilitate input from and collaboration among other Executive Branch stakeholders.

Adding the Secretary of Public Safety and Correctional Services (or her designee) and representatives from the Division of Correction, the Division of Parole and Probation, and the Parole Commission. The most effective reentry planning begins when an individual begins their term of incarceration, not when they're on their way out. Adding a representative from the Division of Corrections ensures that enhancing efforts to rehabilitate incarcerated individuals and prepare them to one day reenter free society is a part of the conversation. Whether a person is released on parole or through a sentence modification and the conditions of parole or probation often depend on the extent to which they have participated in programs while incarcerated and

the support they have in place to assist them if they are released. Adding representatives from the Parole Commission and the Division of Parole and Probation makes sense because these entities have a role in creating and supporting reentry plans. Lastly, adding the Secretary or her designee will help to ensure effective coordination of reentry planning and implementation within DPSCS and with outside stakeholders.

Substituting “two representatives of two local governmental organizations that assist individuals who have been incarcerated with reentry” for representatives of the State Police and the Fraternal Order of Police (FOP). Although they both have important roles in the criminal legal system, the State Police and the FOP do not have any special experience in reentry. It isn't in their bailiwick. The Department of Public Safety and Correctional Services, especially the Division of Correction, the Parole Commission, and the Division of Parole and Probation play a much more significant role in reentry, and that is why OPD recommends their inclusion in the Workgroup. When law enforcement organizations become involved in reentry, it is normally done as part of a collaboration with other local government units. Two examples:

- The Anne Arundel County Department of Detention Facilities Office of Re-Entry & Community Collaboration is an inter-agency collaboration between the Health Department, the Department of Detention Facilities, the Department of Social Services, the Department of Family Services and other community based partners.
- In Prince George's County, the Bridge Center at Adam's House, an inter-agency collaboration between the Health Department, the Department of Corrections, the Department of Social Services, the Department of Family Services and other community based partners, provides holistic reentry assistance to county residents.

Adding representatives of such collaborations will ensure that the reentry experience of local governments – including but not limited to law enforcement – inform the Workgroup's discussions.

Substituting a “State’s Attorney whose office has a sentence review unit, or the State’s Attorney’s designee” for “the President of the Maryland State’s Attorneys’ Association, or the President’s designee.” In general, State’s Attorneys have little involvement or experience in the field of reentry. The exceptions are the two State’s Attorneys whose offices have sentence review units: the Baltimore City State’s Attorney’s Sentence Review Unit and the Prince George’s County State’s Attorney’s Sentence Integrity Unit. As part of their mandate to assess whether the interests of justice merit a sentence reduction in certain cases, these units have experience evaluating proposed release plans and are familiar with entities that assist returning citizens with reentry. A representative of an office with one of these units would bring more reentry experience to the Workgroup than one from an office that does not do this work.

Adding “two representatives of two non-governmental organizations with experience assisting individuals who have been incarcerated with reentry.” Community organizations play an invaluable part in assisting returning citizens navigate the challenges of reentry. They assist them with obtaining identification, getting a Social Security card, getting clothes, applying for medical insurance and other benefits, finding employment, locating peer mentorship and support, and adapting to rapid technological changes. Such organizations need to be represented on the Workgroup if it is to have a full and comprehensive understanding of the needs of returning citizens and the role of non-governmental organizations in meeting them.

Adding “three individuals who have been incarcerated and are now working or volunteering in the field of prisoner reentry.” No one understand the challenges of reentry, the importance of rehabilitative programs in prisons and pre-release planning, and the role of governmental and non-governmental entities in supporting returning citizens as they are leaving prison better than someone who has been incarcerated, experienced the reentry process, and gone

on to assist other returning citizens in navigating these challenges. By virtue of their experience, they know of barriers to successful reentry that other might overlook. Lived experience is important, and this Workgroup will be better and more effective if its members include formerly incarcerated individuals working or volunteering in the field of prisoner reentry.

For these reasons, we urge this Committee to issue a favorable report with the foregoing amendments for House Bill 661.

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