

## Testimony of the Human Trafficking Prevention Project

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**BILL NO:** Senate Bill 449  
**TITLE:** Workgroup to Study Reentry  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** February 22, 2023  
**POSITION:** **SUPPORT WITH AMENDMENTS**

Senate Bill 449 would establish a Workgroup to Study Reentry tasked with examining 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 requiring the Workgroup to report its findings and recommendations regarding policy changes for improvement of reentry to the Governor and the General Assembly by December 31, 2024. As an organization whose mission it is to support criminalized survivors of human trafficking, the Human Trafficking Prevention Project supports this bill with amendments because it will provide essential information to inform the decisions of policymakers and service providers alike who seek to reduce the impact of incarceration and enhance employment and housing opportunities for all Marylanders with a criminal record, including survivors of human trafficking.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the estimated 25% of working-age Marylanders with a record.<sup>1</sup> Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Demographically, 71% of Maryland's prison population is black,<sup>2</sup> the highest in the nation, the majority of which return to Baltimore City.<sup>3</sup> The Department of Justice has found high rates of recidivism among returning citizens, with half of all returning citizens recidivating within 3 years and 60 percent recidivating within 5 years.<sup>4</sup> One of the primary drivers of high recidivism rates is the inability of returning citizens to find a job: over 60 percent of formerly incarcerated persons remain unemployed one year after their release.<sup>5</sup> This is mainly because anywhere from 80-90% of employers perform background checks and deny employment to many returning citizens based on a record.<sup>6</sup> A past criminal conviction of any sort reduces job offers by half. This leaves many of the 1.5 million Marylanders with a criminal record out in the cold when trying to obtain gainful employment. A 2015 Manhattan Institute study revealed that employment, especially within the first six months of release, drastically lowers the likelihood of recidivism for nonviolent offenders.<sup>7</sup>

The American Bar Association also acknowledges that there are over 1100 Collateral Consequences for having a record, and they often combine to make proper reentry untenable. For example, a citizen recently returning from incarceration may find that his/her driver's license has been suspended for failure to provide child support, sharply restricting their mobility and job prospects. Most criminal convictions will also prohibit returning citizens from receiving public housing assistance or welfare and student aid benefits. Depending on the nature of their

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<sup>1</sup> U.S. Dep't of Justice, *Survey of State Criminal History Information Systems* 26 (2012), <https://bjs.ojp.gov/library/publications/survey-state-criminal-history-information-systems-2012>.

<sup>2</sup> The Sentencing Project, *The Color of Justice: Racial and Ethnic Disparity in State Prisons* 20 (2021), <https://www.sentencingproject.org/app/uploads/2022/08/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>.

<sup>3</sup> See generally Prison Policy Initiative, *Where People Come From: The Geography of Mass Incarceration in Maryland* (June 2022) <https://justicepolicy.org/wp-content/uploads/2022/06/Where-People-in-Prison-Come-From.pdf>.

<sup>4</sup> Matthew R. Durose, Alexia D. Cooper, & Howard N. Snyder, *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005-2010 – Update* (Apr. 2014), <https://bjs.ojp.gov/library/publications/recidivism-prisoners-released-30-states-2005-patterns-2005-2010-update>.

<sup>5</sup> Leah Wang & Wanda Bertram, *New Data on Formerly Incarcerated People's Employment Reveal Labor Market Injustices* (Feb. 2022), <https://www.prisonpolicy.org/blog/2022/02/08/employment/>.

<sup>6</sup> See generally The John Jay College Institute for Justice and Opportunity, *Beyond the Record: A Justice-Oriented Approach to Background Checks* (Aug. 2021), <https://justiceandopportunity.org/wp-content/uploads/2021/09/Institute-Background-Check-Reviewer-Guide.pdf>.

<sup>7</sup> Aaron Yelowitz & Christopher Bollinger, *Prison-to-Work: The Benefits of Intensive Job Search Assistance for Former Inmates* 8 (2015), [https://media4.manhattan-institute.org/sites/default/files/cr\\_96.pdf](https://media4.manhattan-institute.org/sites/default/files/cr_96.pdf)

conviction, they may also be evicted from any public sector housing. Four out of five landlords perform background checks on every applicant that applies for housing and have the power to deny access based on a record. It is similar to occupational licensing. 55 of the most common licensing boards in the state of Maryland will examine an individual's record and are known for preventing the distribution of the license based on the conviction, regardless of if the returning citizen trained for that position.

It is also important to note that criminal records are both a predictor *and* the result of exposure to human trafficking. Criminal convictions create significant barriers to individuals who seek to find lawful employment, safe housing and education and continue to haunt trafficking survivors long after they escape their trafficking situation. Data obtained from a national survey of both sex and labor trafficking survivors shows 91% of survivors reporting having been arrested at some point in their lives with over 50% of those survivors stating that every single arrest on their record was a direct result of their trafficking experience.<sup>8</sup> Of the 24.6% of respondents who reported they had cleared, or had begun to clear their records, all reported it was a long and painful process.<sup>9</sup> Given the fundamental injustice that so many survivors are already forced to endure due to the consequences of a criminal record that so often stems from crimes they were compelled to commit, it is essential that any state-based remedy allow for the broadest possible relief, rather than impose additional hurdles that prevent survivors from moving forward with their lives.

In recent years, Maryland has shown its strong support for remedying the impact a deeply flawed criminal legal system has on the ability of its citizens to escape poverty and lead productive lives. Enacting a workgroup to study this issue further is a strong step towards allowing all Marylanders, including criminalized survivors, to escape the shadow of their criminal records. For these reasons, the Human Trafficking Prevention Project supports Senate Bill 449 with amendments designed to more accurately represent the depth and breadth of challenges awaiting returning citizens and those struggling with the collateral consequences of criminal records, and respectfully urges a favorable report.

**For more information, please contact:  
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<sup>8</sup> National Survivor Network, *National Survivor Network Members Survey: Impact of Criminal Arrest and Detention on Survivors of Human Trafficking* (2016), <https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf>.

<sup>9</sup> *Id.*