

WOMEN'S PRE-RELEASE EQUITY COALITION

Hearing on House Bill 1198 – Correctional Services - Comprehensive Rehabilitative Prerelease Services - Female Incarcerated Individuals (The Monica Cooper Prerelease Act)-March 4, 2025

FAVORABLE

TO: Chair Clippinger, Vice Chair Bartlett, and Members of the House Judiciary Committee

FROM: Maryland Women's Prerelease Equity Coalition

Thank you for this opportunity to submit written testimony urging a Favorable report on HB1198, The Monica Cooper Prerelease Act. This testimony is submitted on behalf of the **Women's Prerelease Equity Coalition** (the Coalition), which is comprised of justice-focused organizations and directly impacted individuals who have been working since 2018 to ensure that Maryland's incarcerated women receive equitable prerelease services at a prerelease facility dedicated solely to the needs of incarcerated women who are preparing to re-enter society.

In 2021, the Maryland General Assembly overrode the Governor's veto to pass the Gender-Responsive Pre-Release Act (the Act), which required the DPSCS: 1) to open and operate a pre-release center for women, 2) to do so in or adjacent to the zip code where most released women would be returning, and 3) to provide educational, occupational, parenting/family reunification, and therapeutic and substance use programming that is gender-responsive, trauma-informed and evidence-based. Adjusting for the delay attributable to the veto override, the Act required DPSCS to open the women's pre-release center by the end of 2023. Citing unspecified delays, DPSCS has indicated that construction will not begin until FY2028 and the facility will not open until FY2030.

In addition to the construction delays, DPSCS's plans for the women's prerelease center, now known as the "Life Skills and Re-Entry Center for Women" (LSRCW), are entirely unacceptable for the following reasons.

- 1) The selected site for the pre-release center is too small.** By letter dated July 29, 2022, former DPSCS Secretary Robert Green requested that DGS procure a **2-4 acre site** for the women's prerelease center. Correspondence between DGS and DPSCS personnel and the outside project architect confirmed that "ideally" the site would be 4-5 acres, and that a site smaller than 2 acres could not accommodate the project. In December 2022, DGS identified a 3.6-acre site for the project (1624 Eutaw Place, Baltimore), but in September 2023, changed the site to a **.97-acre site** located at 717 Forrest Street, Baltimore. This site, which is just over 41,000 square feet, cannot accommodate the 61,700 square foot buildings and 35,000 square foot outdoor areas called for in the Project Plan. Moreover, veteran Corrections Officers described significant drug trafficking in the area and characterized it as "unsafe for family visitation." They further indicated that the site is too small to accommodate a safe transition space between the street and the facility, and there will not be enough green space for the women. In their opinion, locating the LSRCW at 717 Forrest Street will doom the women to fail.

WOMEN'S PRE-RELEASE EQUITY COALITION

- 2) **The planned 64-bed capacity is not adequate.** DGS determined that the capacity of the LSCRW should be 64 beds. This is less than half the number of the 144-bed capacity of the Baltimore Pre-Release Center for Women that DPSCS closed in December 2009. DGS based its projection on population data and usage assumptions that are contradicted by current Average Daily Population (ADP) numbers for women in prerelease status and prison population projections. If the LSCRW is too small, women in pre-release status who would otherwise be eligible to transfer to the LSCRW will remain in MCI-W in contravention of the Gender-Responsive Pre-Release Act.
- 3) **The proposed prerelease programming does not meet the requirements of the Gender-Responsive Pre-Release Act.** DPSCS selected the 717 Forrest Street site for the LSCRW because it is in the Baltimore Detention Center and prison complex. DPSCS's plans call for the women to obtain their counseling programs at the yet-to-be-built Baltimore Therapeutic and Treatment Center (BTTC), a "secure detention housing" facility designed to house 900, overwhelmingly male, residents who are entering the criminal system because of serious mental health and substance use issues and are expected to be housed on a short-term basis. Treating women from the LSCRW at the BTTC clearly does not meet the requirements of the Gender-Responsive Prerelease Act.

In sum, in the four years since the Maryland General Assembly passed the Gender-Responsive Pre-Release Act, DPSCS has located the women's pre-release center on a site that is too small and unsafe, with a bed capacity that is inadequate, with non-compliant programming, and which misses the statutory deadline for operation by seven years.

HB1198 remedies these deficiencies by:

- 1) Requiring DPSCS to select a new site anywhere in Baltimore City that is at least 3 acres in size.
- 2) Requiring the LSCRW to accommodate no fewer than the highest number of women who were in prerelease status in 2023, as reported by Secretary Scruggs in August 2024. This number, 91, should accommodate the ADP of women in prerelease status and allow for an increase in population or episodic population spikes. If there is any extra capacity, women in minimum and work release status may also be housed there, as they are in the men's facilities.
- 3) Defining the gender-responsive services that women in prerelease should be receiving and sets July 1, 2026, as the deadline by which those services will be provided.
- 4) Requiring DPSCS to provide gender-responsive prerelease services at the LSCRW and prohibits DPSCS from requiring women to receive those services at a facility serving men, at a facility that houses prisoners who are not eligible for prerelease status, or at a different facility for women.
- 5) Requiring the operation of the LSCRW by June 1, 2027.
- 6) Authorizing up to \$500,000 from the Performance Incentive Grant Fund to be used for women's prerelease services.

The Coalition urges a Favorable report on HB1198. While the Coalition recognizes that the State Budget is in difficult straits, this facility should have been open and operating by now, and DPSCS must not be permitted to further delay this project. The plans to use the 717 Forrest Street site will require DPSCS to construct a multi-story building, which will increase the cost.

WOMEN'S PRE-RELEASE EQUITY COALITION

Furthermore, based on the latest Capital Improvement Plan, delaying the construction will increase the costs by \$8 million. Finally, the lack of a women's prerelease center in Maryland is an ongoing violation of the guarantees of Equal Protection set forth in the 14th Amendment to United States Constitution as well as the Maryland Equal Rights Act. As Supreme Court case law makes clear, the cost of remedying an Equal Protection violation does not excuse a state from remedying the violation. Since it closed the Baltimore Pre-Release Unit for Women at the end of 2009, DPSCS has been saving money off the backs of women in prerelease status. It is time that money was reinvested in them.

Like the Corrections Officers with whom we have spoken, we believe that the current plans will doom the women to failure and will be a colossal waste of taxpayer money. HB1198 ensures that this facility for women will be done right, something DPSCS has proven it will not do on its own.

The Women's Pre-Release Equity Coalition is grateful for the Committees' continued support of this important project.

Respectfully submitted,

Maryland Justice Project

Jews United for Justice

Maryland Center for Economic Policy

Montgomery County Women's Democratic Club

Maryland Legislative Agenda for Women

AFSCME, Council 3

Women's Law Center of Maryland

Life After Release

ACLU of Maryland

Maryland NOW

Professor Leigh Goodmark and the University of Maryland Carey School of Law Gender, Prison, and Trauma Clinic (testimony submitted on behalf of the Clinic and not the Francis King Carey School of Law or the University of Maryland Baltimore)

Baltimore County Commission for Women, Cherie Peay, Committee Chair

**Crystal Jackson Parker
North Avenue and Hilton Street Business and Community Task Force**

Public Justice Center

Maryland Catholic Conference

Leaders of a Beautiful Struggle

Calvert County Democratic Central Committee

Montgomery County (MD) Chapter, National Organization for Women

Calvert County Democratic Women's Club

Women's Equity Center and Action Network

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Maryland Office of the Public Defender

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WOMEN'S PRE-RELEASE EQUITY COALITION

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