



## House Bill 1198

### The Monica Cooper Pre-release Act

Testimony of Dana Vickers Shelley, Executive Director  
American Civil Liberties Union of Maryland  
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Hello Chair Clippinger, Vice Chair Bartlett, and Committee Members. I am Dana Vickers Shelley, Executive Director of the American Civil Liberties Union of Maryland, speaking in support of HB 1198 - the Monica Cooper Pre-release Act -- to ensure that Maryland women receive equitable prerelease services at a facility dedicated solely to supporting their needs so they may return successfully from incarceration to family, community, and the workforce.

As a member of the Women's Pre-release Equity Coalition, the ACLU observes that every day the women's prerelease center is neither built, nor open, nor operating, the State of Maryland is at risk of violating both the Equal Protection Clause of the 14<sup>th</sup> Amendment to the U.S. Constitution, and Maryland Equal Rights Amendment.

In 2021, the Coalition achieved a major legislative milestone when the Maryland General Assembly passed the Gender-Responsive Pre-Release Act (the Act) over Governor Hogan's veto. The Coalition remains deeply grateful for the actions of state legislators for supporting the Act requiring 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, parenting/family reunification, and therapeutic and substance use programming that is gender-responsive, trauma-informed and evidence-based.

Delays and unfounded statements by Department of Public Safety and Correctional Services' leadership mean that construction will not begin until FY28, and completion will not be until FY30, seven years after the Gender-Responsive Prerelease Act required the facility to open. While being mindful of the State's budget situation, DPSCS is currently in violation of the Gender Responsive Prerelease Act.

Regrettably, equity-focused individuals and organizations like the ACLU must come before this Committee yet again, because so little progress has been made in constructing, operating, and creating appropriate curriculum for the women's prerelease center over the past four years. At this point, we should be celebrating the one-year anniversary of the center's opening – not asking: “why is this vital resource not ready for the women who have earned the opportunity to use it?”

In sum, in the four years since the Maryland General Assembly passed the Gender-Responsive Pre-Release Act, DPSCS has: 1) identified a site for the women's pre-release center that is too small and unsafe; 2) has an inadequate number of beds, and; 3) doesn't offer the required programming.

Women incarcerated at the Maryland Correctional Institution for Women (MCI-W) are still not receiving meaningful prerelease services equal to those provided to Maryland's incarcerated men who

receive these services at five facilities across the state.

As Judiciary Committee members consider their support, we would ask:

Are any men required to obtain prerelease services in a coed environment, which presents distractions at best?

How is obtaining prerelease services with men “gender-responsive?”

Are men who are incarcerated required to obtain prerelease programming with people who are only in short-term detention and who are not reacclimating to society after long incarceration?

This double standard is glaring – and it’s wrong, as women who are incarcerated and ready to return to community are being refused services and resources that incarcerated men have been receiving for years – and in multiple locations across the state.

Throughout your deliberations, we hope you will consider what is fair and equal treatment for Maryland women returning home. The Department of Public Safety’s plan is clearly not.

The ACLU of Maryland urges a favorable report on HB 1198.

Thank you for your consideration.