

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 801
Judiciary

(Delegate Crutchfield, *et al.*)

Judicial Proceedings

Correctional Services - Prerelease Unit for Women - Facilities and Services
(Gender-Responsive Prerelease Act)

This bill requires the Commissioner of Correction within the Department of Public Safety and Correctional Services (DPSCS) to operate a comprehensive rehabilitative prerelease unit for women. The unit, which must be located in Baltimore City, is a separate structure in which specified services are provided, has security features for specified female inmates, and matches security level on a validated gender-responsive risk measure. DPSCS must identify a location, acquire property, and design a site plan for the unit by June 1, 2021; begin construction or renovation of the facility by September 1, 2021; and begin operating and providing services in the facility by June 1, 2023. The bill requires the commissioner to make evidence-based and gender-responsive services available to female inmates at the prerelease unit for women. The bill also alters existing requirements for comprehensive rehabilitative prerelease services to require the services to utilize “evidence-based programs and practices” and “innovative programs and practices,” as specified.

Fiscal Summary

State Effect: Although it is unlikely that DPSCS can meet the bill’s deadlines without exemptions from the State capital project procurement process, general fund expenditures increase significantly, likely in excess of \$3.4 million annually, for DPSCS to staff the new unit. No effect on total capital spending; however, funding for other capital projects is reduced due to any capital expenditures incurred due to the bill. The FY 2021 budget as passed on second reading in the House restricts \$1.5 million of DPSCS’s general fund appropriation to create a women’s prerelease pilot program, as discussed below. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The comprehensive rehabilitative prerelease services must utilize evidence-based programs and practices and innovative programs and practices to:

- assist female inmates in improving their education, upgrading vocational skills, and obtaining suitable employment through classes to earn industry certification or community college credits, workforce training, and job placement;
- provide female inmates with the opportunity to strengthen family and community relationships through extended family leave, parenting workshops, and family reunification assistance;
- provide integrative and gender-responsive services, including medical treatment, trauma-informed counseling, mental health treatment, and substance use disorder treatment to address overall health and trauma needs and help female inmates achieve stable and productive roles in society; and
- develop individualized and comprehensive reentry plans involving community provider partnerships for female inmates to reduce barriers to obtaining housing, jobs, education, health care, childcare and child welfare, transportation, legal advocacy, case management, and other needs.

“Evidence-based programs and practices” means programs proven by scientific research to reliably produce reductions in recidivism. “Innovative programs and practices” means programs that do not meet the standard of evidence-based practices but which preliminary research or data indicates will reduce the likelihood of offender recidivism.

By December 31, 2021, and December 31, 2022, DPSCS must provide updates on the progress of construction of the prerelease unit for women to the Senate Judicial Proceedings Committee and the House Judiciary Committee.

Current Law: The Commissioner of Correction is statutorily authorized, but not required, to operate a prerelease unit for women. Under this authority, the commissioner must (1) develop comprehensive rehabilitative prerelease services and (2) make these services available to inmates of a prerelease unit for women. These comprehensive rehabilitative prerelease services must:

- assist inmates in improving their education, upgrading vocational skills, and obtaining suitable employment;
- provide inmates with the opportunity to strengthen family and community relationships through extended family leave;
- assist inmates in improving their physical and mental health and reducing any tendency to abuse alcohol or drugs; and

- provide appropriate counseling, instruction, supervision, and medical and psychological treatment as necessary to help inmates achieve stable and productive roles in society.

By contract or purchase of service agreement, DOC may arrange for a person or governmental unit to provide comprehensive rehabilitative prerelease services in a prerelease unit for women.

DOC is not required by statute to provide comprehensive rehabilitative prerelease services systemwide or to make these services available to all prerelease inmates.

Background: DOC currently operates prerelease operations throughout the State correctional system identified as re-entry programs. All inmates due for release have a transition plan. After an inmate is released, the Division of Parole and Probation continues to monitor an inmate's transition plan.

DPSCS once operated a prerelease facility for women in Baltimore City; however, the facility is now closed. Since the closure of the facility, all prerelease programming for women has been transferred to the Maryland Correctional Institution for Women (MCIW) in Jessup, where the women are housed throughout the facility. DPSCS advises that the agency currently offers a range and quality of services for women that are substantially equivalent to those offered to men. In January 2020, DPSCS announced its intention to redeploy the now closed Brockbridge Correctional Facility as a prerelease facility for both women and men. However, the Governor's proposed fiscal 2021 budget did not include funding for that facility.

The fiscal 2021 budget as passed on second reading in the House, however, restricts \$1.5 million of DPSCS's general fund appropriation for the purpose of creating a women's prerelease pilot program. The pilot program must consist of (1) a separate, comprehensive rehabilitative space only for women who are eligible under the prerelease security level; (2) a community-based unit or facility with less restrictive requirements that allow offenders to be closer to family, transportation, and community resources that will provide them with assistance; (3) a location situated in close proximity to where the greater number of offenders will be returning; and (4) evidence-based and gender-responsive programs and services. Funds not expended for the restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and must revert to the general fund.

Currently, MCIW offers the female prerelease population numerous opportunities for programming and services. Examples include partnerships with:

- the Maryland Department of Labor (MDL), to offer a barbering course, a hospitality program, safe-food handling, Serve Safe, and culinary arts;

- Goucher College, to offer access to a degree in Liberal Arts;
- MDL and the Maryland Department of Health, to offer certification by participating in the Peer to Peer Recovery Specialist Program;
- Girl Scouts of Central Maryland, to allow interaction with daughters in a Girl Scout troop; and
- Anne Arundel, Charles, Howard, Montgomery, Talbot, and Washington counties, to offer local reentry programs.

According to the [report](#) on gender-based equity in prerelease programming and facilities in Maryland by the commissioner pursuant to Chapter 60 of 2019, all prerelease programs are offered to both men and women. As of December 18, 2019, there were 1,913 males and 120 females assigned to prerelease. For the female population, 17.5% were assigned to work release, compared to 9% of the male population assigned to work release. Twenty-eight percent of male inmates and 4% of female inmates were assigned to supervised community-based work details. Men and women are eligible to participate in local reentry programs. At the time of the report, there were no women participating.

State Expenditures: Under the bill, DOC must operate a prerelease unit for women as a separate structure in Baltimore City. Although DOC already operates a prerelease program for women, it is not a separate structure and is not located in Baltimore City. This analysis assumes that DOC must either construct or renovate space for a prerelease unit for women and provide staff for the unit. Thus, general fund expenditures increase significantly, likely in excess of \$3.4 million annually, to staff the new unit.

The bill's potential impact on both the capital budget and the operating budget are described below.

Capital Expenditures

Although the bill has no effect on total capital spending, which is established annually by the Governor and the General Assembly through the capital budget process, funding for other capital projects is reduced due to the capital expenditures incurred for DOC to construct or renovate a separate prerelease facility.

The cost to build a new minimum-security facility cannot be reliably estimated at this time. Although DPSCS advises that construction of a new prerelease facility for women would cost an estimated \$93 million, the Department of Legislative Services (DLS) is unable to independently verify that estimate. DLS advises that construction costs may vary significantly depending on the design of the facility, the location of the facility, and existing infrastructure. For context:

- construction costs for the Dorsey Run Correctional Facility, which opened in 2014 to provide approximately 1,120 new minimum-security beds, totaled approximately \$55 million;
- construction costs for the Youth Detention Center, which opened in 2017 to accommodate approximately 60 pretrial youth detained pending charges, totaled approximately \$36 million; and
- construction of a Therapeutic Treatment Center at the Baltimore Pretrial Complex to provide mental health and substance use treatment services and care to approximately 1,400 nonviolent offenders is estimated to cost in excess of \$370 million.

Although the bill contemplates the possibility of renovating an existing facility for use as a separate prerelease unit for women, it is unclear what facility might exist that is located in Baltimore City.

Operating Expenditures

For DOC to establish a separate prerelease facility for women, general fund expenditures increase for DPSCS to hire correctional officers and other staff necessary to operate the facility and to offer the programs and services. Although the total number of staff needed cannot be reliably estimated at this time, costs are anticipated to be in excess of \$3.4 million annually.

Restricted Funding in Fiscal 2021 Budget

As discussed above, the fiscal 2021 budget as passed on second reading in the House restricts \$1.5 million of DPSCS's general fund appropriation for the purpose of creating a women's prerelease pilot program. The budget language restricting the funds for the pilot program appears to be at least somewhat consistent with the prerelease program envisioned by the bill. Accordingly, DPSCS may be able to use those restricted funds, if released by the Governor, for the purposes of beginning to implement this bill.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 684 (Senator Washington, *et al.*) - Judicial Proceedings.

Information Source(s): Governor's Office of Crime Prevention, Youth, and Victim Services; Department of Budget and Management; Maryland Department of Health;

Department of Public Safety and Correctional Services; Department of Legislative Services

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