



PAUL DeWOLFE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
DIRECTOR OF POLICY AND DEVELOPMENT

KRYSTAL WILLIAMS
DIRECTOR OF GOVERNMENT RELATIONS DIVISION

ELIZABETH HILLIARD
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

POSITION ON PROPOSED LEGISLATION

BILL: SB 977- Correctional Services – Step-down Programs – Causes of Action

POSITION: Favorable

DATE: March 26, 2022

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 977. This bill requires the Commissioner of Correction, if certain conditions are met, to provide a step-down program for inmates held in restrictive housing to help them acclimate to the general prison population and, for those inmates released from restrictive housing directly to the community, to prepare for life outside prison walls. Programming would be tailored to the needs of each individual through a multi-disciplinary approach. The bill also allows formerly incarcerated individuals who were denied participation in a step-down program to file a civil action for damages, if certain conditions are met.

Restrictive housing consists of administrative segregation, where the inmate has done nothing wrong but is kept there for his own safety, as well as disciplinary segregation, where the inmate has committed an infraction. Inmates in restrictive housing spend 22-24 hours a day in a locked cage and have little to no social interaction, access to education or programming, physical activity, or communication with loved ones. Although *all* incarcerated persons need and deserve support when they have completed their often decades-long sentences, inmates in restrictive housing are uniquely disadvantaged and ill-prepared for re-entry to the general inmate population or the community.

A stated policy purpose of incarceration is rehabilitation. The United States Sentencing Commission examined 25,431 federal offenders released in 2005, using a follow-up period of eight years for its definition of recidivism.¹ For the eight years after their release, the Commission calculated a rearrest (not re-conviction) rate of 64.8% for the released persons younger than 30, 53.6% for the released persons between the ages of 30 and 39, 43.2% for the released persons between 40 and 49, 26.8% for the released persons between 50 and 59, and 16.4% for the released persons older than 59. *Id.* Across age groups, the recidivism rate in Maryland is estimated to be

¹ Kim Steven Hunt & Billy Easley, U.S. Sent'g Comm'n, *The Effects of Aging on Recidivism Among Federal Offenders* (2017), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171207_Recidivism-Age.pdf.

40%.² Virginia maintains the lowest recidivism rate in the country at 25%, and it credits that low rate to robust programming within the state's institutions.³

Senate Bill 977 will have a direct impact on recidivism because the data plainly show that affording inmates multi-disciplinary step-down programs preceding their release reduces crime rates. By affording our clients the programming and support they need to lead productive and crime-free lives and, in the process, increasing public safety, this bill is a “win-win.”

For these reasons, the Maryland Office of the Public Defender respectfully requests that this Committee issue a favorable report on Senate Bill 977.

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

² Francis, D. C. R., & Caroom, P. (2019). *Maryland reentry roundtable report 2019*. Maryland Alliance for Justice Reform. Available online at: <https://www.ma4jr.org/wp-content/uploads/2020/01/2019-Reentry-Roundtable-Booklet.pdf>.

³ Virginia Department of Corrections (2019). Virginia maintains the lowest recidivism rate in the country. [Press Release]. Available online at: <https://vadoc.virginia.gov/news-press-releases/2019/virginia-maintains-the-lowest-recidivism-rate-in-the-country>.