Re-entry Policies: Policy Recommendations for Maryland

These recommendations were informed by a multi-stakeholder harm reduction meeting held at JHSPH in October 2015 and were developed by meeting participants. They do not necessarily represent the views of The Johns Hopkins University.

In the United States, approximately 2.2 million people are behind bars including those in federal and state prisons, as well as those in local jails.1 In Maryland, the average daily inmate population is 20,998.2 This document outlines three policies to improve health and social outcomes for people re-entering society after incarceration, including: fair chance to work, child support payment reform and family visitation reform. These policies may be particularly important in addressing the needs of formerly incarcerated individuals with substance use disorders, who comprise over 50 percent of the incarcerated population nationally.3

Fair Chance to Work

Summary of current Maryland state law

In 2013, Governor Martin O’Malley approved SB 4 prohibiting state public employers from inquiring into the criminal history of an applicant for employment until the applicant has been provided an opportunity for an interview. Positions within the Department of Corrections, the Office of the Sheriff for any county, or where a background check is required by law were excluded from the law. Additionally, the law includes a history of an applicant for employment until the applicant has been provided an opportunity for an interview. Positions within the Department of Corrections, the Office of the Sheriff for any county, or where a background check is required by law were excluded from the law. Additionally, the law includes a sunset provision of June 30, 2018.4

Several jurisdictions, including Washington, D.C., Montgomery County, Prince George’s County, and Baltimore City, have adopted fair chance to work legislation in 2014 and 2015, restricting private employers from asking applicants to check a box on their applications to indicate whether they have criminal history.5 These laws were D.C.’s Fair Criminal Record Screening Act,6 Baltimore’s Fair Criminal-Record Screening Practices Ordinance,7 Montgomery County’s Fair Criminal Record Screening Standards Act,8 and Prince George’s Fair Criminal Record Screening Standards Act.9

Policy recommendation

Expand fair chance to work initiatives similar to those of Baltimore City, Montgomery County and Prince George’s County, which restrict private employers from asking job applicants about a criminal history, to all jurisdictions in Maryland.

Research evidence

Studies show that job applicants who indicate a criminal record on job applications are less likely to receive a call back. In a 2009 study, researchers randomly assigned a criminal record to otherwise identical job applications and found that applicants with criminal records were 50 percent less likely to receive a call back for an interview or job offer and differences were greater for blacks compared to whites.10 A 2003 study showed that among whites, 34 percent without a criminal record received a call back compared to 17 percent of those with a criminal record. Among blacks, 14 percent of those without a criminal record received a call back compared to 5 percent of those with a criminal record.11

Multiple studies have shown that during times of employment, formerly incarcerated individuals are less likely to commit predatory crimes, engage in heavy alcohol use, or commit property crimes.12

Fair chance to work policies in Minneapolis, Minnesota,13 Durham County, North Carolina14 and Atlanta, Georgia15 resulted in increases in employment for people with criminal records.

Implementation considerations

In order to enforce fair chance to work legislation, lawmakers should consider including penalties for employers who fail to comply with the law, utilizing Baltimore City’s law as a model, and outline information on how an employer can legally withdraw a job offer utilizing Washington D.C.’s, Prince George’s County and Montgomery County’s respective laws as models.16

Maryland should partner with researchers to track employment statistics for people with criminal justice involvement in order to evaluate the effects of fair chance to work legislation on employment rates for this population as well as any unintended consequences of the policy including increases in racial discrimination in hiring. Preliminary results from studies on fair chance to work policies in New York City, New Jersey and the nation as a whole have found increases in racial disparities in employment outcomes.17

Child Support Payment Reform for Incarcerated Parents

Summary of current Maryland state law

As of 2012, in the State of Maryland, obligors (those otherwise obligated to make child support payments) who were sentenced to jail or prison after October 1, 2012 do not need to make child support payments and arrearages do not accrue when the obligor is incarcerated as long as the obligor’s term of imprisonment is 18 or more consecutive months, the obligor has insufficient funds with which to make the payments, and the obligor did not commit the crime with the intent of being incarcerated or becoming impoverished.18

Policy recommendations

1) Automatically suspend child support obligations when defendants are incarcerated and have attorneys negotiate revised payment plan with custodial parent.

2) Make Maryland’s 2012 law retroactive to include incarcerated parents sentenced to prison or jail after October 1, 2012.

Research evidence

Child support obligations lead to debt for incarcerated individuals, who already have difficulty finding employment and earning sufficient wages.19 According to the Family Welfare Research and Training Group at the University of Maryland School of Social Work, the average total amount owed in arrears by a noncustodial parent who was currently or formerly incarcerated in 2012 was $22,000.20 One survey of family members of the formerly incarcerated found that 68 percent said those who were parents were having trouble paying child support, 43 percent were challenged in regaining custody of their children, and 26 percent experienced trouble rebuilding relationships with family.21

In a 2012 evaluation report of child support payment reform programs in Maryland, Illinois, California, Minnesota and Washington D.C., the Center for Policy Research found obligors paid a higher percentage of their monthly obligations when offered debt-relief.22
Lawmakers will have to justify the benefits of child support payments reforms with opponents who often claim lowering or suspending child support payments results in obligors abdicating their responsibilities, leading to more families having to utilize welfare.22

**Family Visitation Reform**

**Summary of current Maryland state law**

Specific rules and regulations regarding visitation of incarcerated individuals vary by correctional facility. Each institution in Maryland has applications for visiting, a maximum number of visitors and visits each week, specific visiting hours and rules regarding dress code and physical contact between inmates and visitors.23,24

Few laws govern visitation in Maryland. Unless a court finds there is good cause to award visitation by a clear and convincing standard, the court may not award visitation of a child with his/her parent if the parent was found guilty of first or second degree murder of the child’s other parents, another family member, or someone living in the household.25

**Policy recommendation**

Improve family visitation for incarcerated individuals by providing subsidized transportation to remote facilities in order to increase the number of visits inmates receive.

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6 District of Columbia’s Fair Criminal Record Screening Act, §L20-152 (2014).

7 “Ban the Box” — Fair Criminal-Record Screening Practices, §14-221 (2014).

8 Fair Criminal Record Screening Standards Law, Bill Hx–16 (2015).

9 Montgomery County’s Fair Criminal Record Screening Standards Law, § CB 78-2014 (2014).


18 MD. CODE ANN., FAM. LAW §12-104.1


26 MD. CODE ANN., FAM. LAW §9-101.2


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**Research evidence**

- Family visitation is important in maintaining relationships between incarcerated individuals and their families. Because incarceration secludes individuals from their families and communities, it decreases the likelihood of marriage and increase the likelihood of divorce. For young offenders, incarceration may permanently decrease their likelihood of marrying and forming a family.28 Likewise, prolonged separation between spouses while a husband or wife is incarcerated increases the likelihood of divorce.28

- Research shows that in-person visits between incarcerated parents and children reduces the incidence of negative behaviors in children, and reduces rates of recidivism in parents re-entering society.29

**Implementation considerations**

- Implementers will need to consider administrative costs and logistics of providing transportation including a screening and application process for transportation subsidies, convenient departure locations, and departure and arrival times coordinated with the days the particular inmates are allowed visitors.

- Implementers should also consider graduated levels of subsidies based on a potential visitor’s income, if necessary.