

**CITY OF BALTIMORE**  
**COUNCIL BILL 20-0209R**  
**(Resolution)**

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Introduced by: President Scott, Councilmembers Stokes, Henry, Middleton, Burnett, Clarke,  
Cohen, Pinkett, Dorsey, Sneed  
Introduced and adopted: April 13, 2020

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**A COUNCIL RESOLUTION CONCERNING**

**Inmate Release Due to COVID-19**

1  
2 FOR the purpose of supporting the American Civil Liberties Union’s lawsuit filed with the  
3 Maryland Court of Appeals to reduce inmate populations in Maryland and the American  
4 Civil Liberties Union’s recommendations to remove people from detention due to the  
5 COVID-19 pandemic.

**Recitals**

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7 The State of Maryland, like much of the rest of the country, is in the throes of the COVID-19  
8 pandemic. Governor Hogan recently stated that Maryland is an emerging hotspot for the disease.  
9 The CDC recommends that people practice social distancing, or that people stay at least 6 feet  
10 away from others, to prevent the spread of the disease. The close quarters found in jails and  
11 prisons makes social distancing impossible in most scenarios. Therefore, jails and prisons are  
12 likely to become hotbeds of the disease if steps are not taken to reduce the number of inmates in  
13 these facilities.

14 The ACLU of Maryland is representing the families of inmates in a lawsuit seeking the  
15 immediate release of inmates from prisons and jails due to the COVID-19 pandemic. The suit,  
16 filed with Maryland’s highest court, the Court of Appeals, outlines the following steps the  
17 Maryland judicial system should take, in line with the steps other judicial systems across the  
18 country have already taken:

- 19 - Prioritize for release prisoners at the highest risk as defined by the guidance from the  
20 Centers for Disease Control, including prisoners above the age of 60, those with  
21 chronic illnesses, and those with disabilities;
- 22 - Require courts to expedite individualized determinations of suitability for release  
23 consistent with public health and public safety;
- 24 - Cease new admissions to the correctional system unless necessary to address a threat  
25 to public safety;
- 26 - Expand the discretion of the courts to make release decisions by eliminating certain  
27 procedural obstacles, including the waiver of certain time lengths, and through the use  
28 of telephonic or video hearings;
- 29 - Require the State to exercise its existing authority to release prisoners through the  
30 parole proceedings, good-time credits, medical parole, home detention, and clemency;

EXPLANATION: Underlining indicates matter added by amendment.  
~~Strike out~~ indicates matter deleted by amendment.

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- 1 - Mandate that the State take all measures for screening, cleaning, hygiene and social  
2 distancing that the CDC recommends for correctional facilities;
- 3 - Undertake measures that will reduce the number of detained juveniles; and
- 4 - Encourage the Governor to work with the Parole Commission to exercise his  
5 commutation authority to release incarcerated persons who pose little risk to public  
6 safety as soon as possible.

7 The ACLU has also created a set of recommendations for the Governor to follow to protect  
8 inmates, correctional facility workers, and surrounding communities as well. First, the ACLU  
9 recommends that the Governor halt new admissions to every correctional unit within the state's  
10 purview, including prisons, the Department of Juvenile Services, and state-run jails, and direct  
11 local jurisdictions to reduce correctional populations except for admissions made for violent  
12 crime, COVID-19 order violations, and domestic violence charges. State law enforcement and  
13 prosecutors should limit arrests, charges and pre-trial detention except where there is an  
14 imminent risk to public safety and to seek case resolutions avoiding incarceration.

15 Second, the Governor should release the most medically vulnerable incarcerated persons and  
16 those who can be safely released to their communities, including:

- 17 - Individuals detained pre-trial or for technical supervision violations;
- 18 - Individuals classified by DOC as minimum or low-security and those within a year of  
19 release;
- 20 - Individuals who the Maryland Parole Commission has found suitable for release;
- 21 - Individuals over the age of 60, currently or recently pregnant; and
- 22 - Individuals with medical conditions rendering them most at risk for severe  
23 complications from COVID19 according to the CDC, such as heart disease, lung  
24 disease, diabetes, and other conditions.

25 Third, the Governor should remove our children from incarceration and return to our  
26 communities. To accomplish this, the Governor should:

- 27 - Halt all new admissions to juvenile jails and youth prisons except for admissions  
28 made for violent crime, COVID-19 order violations, and domestic violence charges;
- 29 - Coordinate with the courts for the release of the hundreds of children who are  
30 currently being held in Maryland juvenile jails and youth prisons and who are deemed  
31 to be a low-risk for violent crime.

32 Fourth, the Governor should put in place additional support for kids and adults who are  
33 released. Specifically, the Governor should:

- 34 - Relax housing bans for people with convictions who are being released from custody,  
35 including any restrictions on living with family members in public housing.

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- 1           - Work directly with Continuums of Care to expedite rehousing people upon reentry  
2           into rapid rehousing, permanent housing, permanent supportive housing, and other  
3           programs;
- 4           - Provide funding opportunities for existing housing providers to expand rapidly,  
5           including offering temporary rental assistance and the use of hotels and motels and  
6           other buildings, and grant emergency funding for hiring staff;
- 7           - Provide resources for re-entry service providers who provide mental health, substance  
8           use disorder, food security, and housing services so that they can safely remain open  
9           to provide essential services;
- 10          - Sign into law HB206/SB207 which gives unaccompanied homeless minors the legal  
11          capacity to consent to housing and supportive services once they are released; and
- 12          - Prioritize resources reentry and treatment for persons released during COVID-19.

13           Fifth, the Governors should temporarily increase the capacity of community supervision and  
14           make conditions of supervision more compatible with CDC recommendations. Specifically he  
15           should review existing supervision cases that can be closed and modify conditions of supervision  
16           to permit compliance without requiring in-person meetings or other requirements inconsistent  
17           with CDC guidelines.

18           Lastly, for individuals who remain incarcerated, the Governor should improve the safety  
19           conditions of correctional facilities. The Governor should take follow the recommendations of  
20           the Johns Hopkins Bloomberg School of Public Health, School of Nursing and School of  
21           Medicine faculty and take the following actions:

- 22           - Make the State's plan for the prevention and management of COVID-19 in all  
23           correctional facilities, both adult and juvenile, publicly available;
- 24           - Suspend the prohibition on hand sanitizer and provide more and better hygiene  
25           supplies than two small bars of soap ;
- 26           - Make unlimited cleaning supplies freely available to all inmates and staff;
- 27           - Develop and implement a non-punitive plan for quarantining those suspected of  
28           infection or exposure and access to care for those requiring critical care;
- 29           - Expand access to video calling and increase free phone calls;
- 30           - Ensure the availability of personal protective equipment; and
- 31           - Use common-sense precautions to limit transmission within facilities without relying  
32           on lock downs and solitary confinement. This should include preventing individuals  
33           who are not otherwise exposed to the virus from being assigned to COVID-19  
34           compromised locations, through work release or other relocation measures.  
35           Moreover, individuals should not be penalized for refusing work or relocation to  
36           COVID-19 compromised areas.

**Council Bill 20-0209R**

1       **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE**, That the  
2 Baltimore City Council supports the American Civil Liberties Union’s lawsuit filed with the  
3 Maryland Court of Appeals to reduce inmate populations in Maryland and the American Civil  
4 Liberties Union’s recommendations to remove people from detention due to the COVID-19  
5 pandemic.

6       **AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the Governor, the  
7 Mayor, the Director of the Mayor’s Office of Criminal Justice, and the Mayor’s Legislative  
8 Liaison to the City Council.