

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities

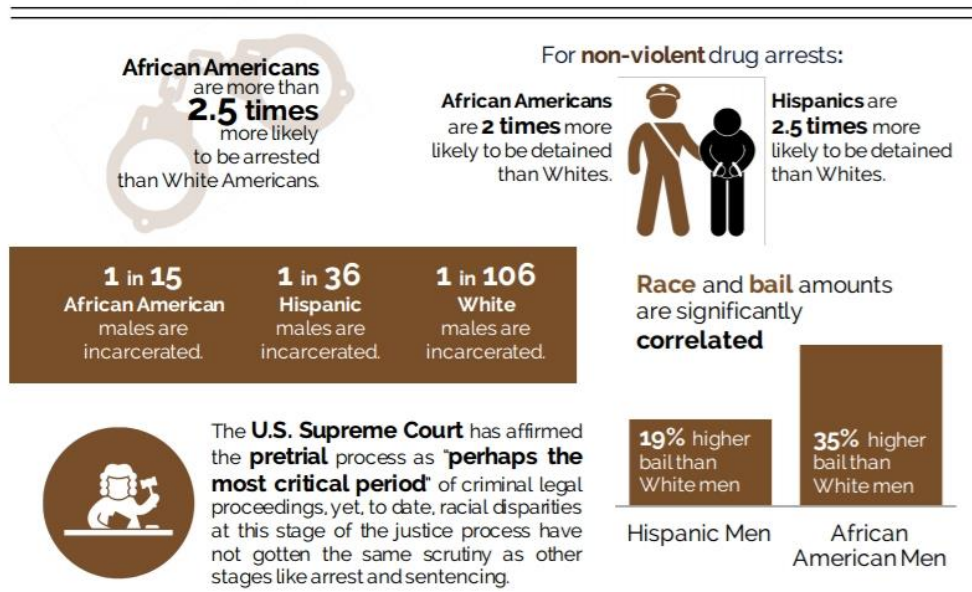


Money Bail, Pretrial Detention, and Race in Maryland

Maryland’s 2014 Pretrial Commission concluded in its final report that: “The bail system in America is unfair to defendants, victims, the general public, and particularly people of color. Black defendants are more likely to be detained than are white defendants, and Latinos are the most likely to be detained. Nationally, Black men are given bonds 35% higher than White men while Latino men are given bonds 19% higher than White men. Furthermore, people of color are more likely to be living in poverty and are therefore disadvantaged by a monetary bail system.” [2014 Md. Pretrial Commission- Final Report](#) (Dec. 2014).

Race & Bail in America

At every stage in the criminal justice system people of color fare worse than their White counterparts—the pretrial stage is no exception. Money bail is especially unfair to people of color, not to mention defendants, victims, and the general public.

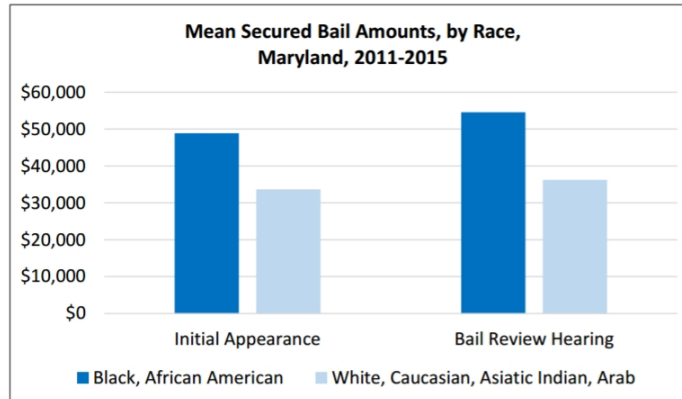


[Pretrial Justice Institute](#)

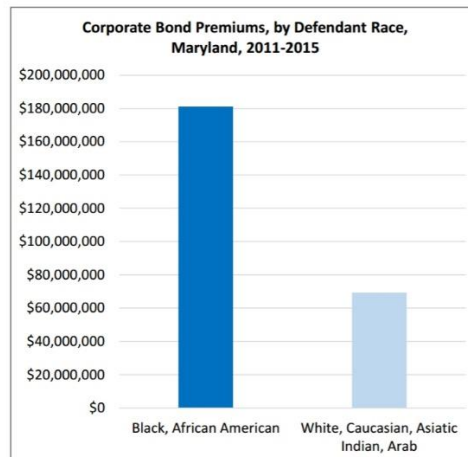
Despite these findings, Maryland’s legislature has decided to take no action since then.

Maryland’s Public Defender, between 2011 and 2015, compiled an extensive review of our state court’s bail practices involving over 3 million cases in 18 counties, finding: “The mean bail amount for black defendants is 45 percent higher than the mean amount for white defendants at the initial appearance before a District Court commissioner (\$48,895 versus \$33,678) and 51 percent higher at the bail review hearing before a District Court judge (\$54,565 versus \$36,224).” [The High Cost of Bail](#), Md. Public Defender (Nov. 2016).

Money Bail Disproportionately Impacts Black Defendants.



The Public Defender report also found that “The racial disparity in mean bail amounts creates a racial disparity in the premiums charged to defendants. *Black defendants were charged more than \$181 million in premiums by the bail bond industry—more than twice the premiums charged to defendants of all other races combined, even though only approximately 30 percent of the Maryland population identifies as black.*”



The result is that black Marylanders are penalized by our bail system in two ways: 1) they must pay more and higher bail—money which never will be returned by bail bondsmen; and 2) if unable to pay, low income blacks are much more likely to be held in pretrial detention while awaiting their trial dates. Such discrimination is not necessary for public safety, as many studies that show other types of pretrial release and supervision can equal or exceed bail bondsmen in their effectiveness.