

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



Appeals Court Delays Decision on Bail Reform



The highest court in Maryland **delayed action on January 5th** on whether to overhaul the state's money-based bail system so that most poor defendants do not have to pay bail or are allowed to pay what they can afford. The Appeals Court agreed to meet again on this issue in February. Among those testifying in support of the change were Maryland Attorney General Brian Frosh, former U.S. Attorney General Eric Holder, Maryland District Court Chief Judge John Morrissey, and Judge Kathleen Gallogly Cox speaking as chair of the Maryland Conference of Circuit Judges. The chair of the rules committee, retired judge Alan A. Wilner, also testified forcefully on the rationale for proposed changes and responded to some concerns. Opposing testimony came from Paul Clement, former solicitor general of the U.S., and representatives of the bail bond industry.

Attorney General Frosh stressed that it is the court's responsibility to take action on the issue, since the proposed changes amend an existing rule. He stressed that someone who is a risk to public safety should be locked up even if that person can post bail. He said that without bail, the system could do a better job and get better results, with significant net savings. Attorney General Holder agreed, stressing that people should not languish in jail because they cannot afford to pay for bail. He argued that the way Maryland's rules are currently implemented could be considered unconstitutional. Mr. Clement, however, argued that the proposed changes are unconstitutional because bail should be an available option to avoid unnecessary detention. In some circumstances, it might be considered preferable to electronic monitoring rather than always being a last resort.

Concerns were expressed about districts that did not have pretrial programs, the need for risk assessment tools to guide the process, and the need to ensure equal justice under the law across Maryland. Legislative action is needed to address these issues.

MAJR testified in favor of rule change.

"MAJR joins Attorney General Frosh and the Rules Subcommittee in strong

support for the proposed changes that would create Maryland Rule 4-216.1 and revise related provisions to safeguard equal protection for low income Marylanders from inconsistencies and disparate impact of Maryland's current pretrial / money bail practices. We also thank the Committee for its expeditious response to the Attorney General's Request."

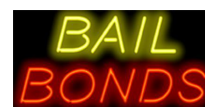
[See Attorney General Frosh's request here.](#)

[See the full text of MAJR's testimony here.](#)

Money Bail and Its Role in Mass Incarceration

University of Baltimore Conference on Bail Reform - 11/17/16

The University of Baltimore School of Law hosted a conference on bail reform in November, and MAJR reporters were there to cover it. Speakers provided background on the issue, explored the challenges of evidence-based reform, and presented examples of diverse ways others are addressing the problem.



Paul DeWolfe, [Maryland Public Defender](#), sees money bail as a driving force in mass incarceration and favors evidence-based assessment to determine when incarceration is really necessary. He presented case studies showing the adverse impact of bail, and a client of the office reported on the impact of her five days in jail on her family. Tara Hoffman of the [Open Society Institute](#) highlighted the fact that there are financial incentives to keep using money bail. It's a business for bail bondsmen, insurance companies, and private attorneys.

Representing [Kentucky Pre-Trial Services](#), Tara Blair explained Kentucky's approach: the state has abolished bail bondsmen but not money bond. Money is paid to the court and returned regardless of the outcome of the trial. 76% of detainees are released and up to 90% are released if they have no other issues. Cases are disposed of within 72 hours. Judges are required to state the reason for money bail and must consider the individual's financial ability pay, but it doesn't happen in practice.

A [video of presentations](#) made at this symposium is available through the University of Baltimore School of Law. There is also a useful [resource page](#).

MAJR thanks the following notetakers for this report: Deborah Friese, Candy Clark, Caroline Hadley, and Meg O'Regan. The complete report can be found [here](#). MAJR members have been attending a variety of meetings related to pretrial justice and bail reform. If you haven't done so, please [sign the petition](#) to reform this unfair system.

Justice Reinvestment Oversight Board

The state board charged with overseeing the implementation of criminal justice reforms in the state held its first meeting in Annapolis on January 4th. The Justice Reinvestment Oversight Board will monitor the progress and compliance with the implementation of the law, which was passed by a bipartisan majority during the 2016 General Assembly session.

The panel will continue to meet quarterly to collect and analyze data, create performance measures to track effectiveness of reforms and make recommendations for the reinvestment of savings realized under the provisions of the act. The act expands court-ordered drug addiction treatment, eliminates disparities in sentences for illegal drugs, increases the number of criminal misdemeanor crimes eligible for expungement, encourages rehabilitation programs in jails and prisons, and changes sentencing procedures for drug crimes.

Glenn Fueston, Executive Director of the Governor's Office of Crime Control & Prevention (GOCCP) was approved as the vice-chair of the JROB. Robert L. Green, Montgomery County Department of Correction and Rehabilitation, has been appointed the Chair of the Local Government Justice Reinvestment Commission. Each county in Maryland will have the equivalent of the Oversight Board to advise on policies and programs in their county.

For a report on this first meeting see <http://www.ma4jr.org/oversight-board/>



MAJR Schedules Public Meetings

Find out what's wrong with Maryland's Pretrial Justice System – and how to fix it. Please help us publicize public information meetings held in your area.

Tuesday 01/10/17, 7–9 PM

Unitarian Universalist Church, 333 Dubois Rd, Annapolis, MD 21401

Wednesday 01/11/17, 7–9 PM

College of Southern Maryland – Leonardtown Campus Auditorium, Hollywood Road, Leonardtown, MD

Monday 01/16/17, 6–8PM

Asbury United Methodist Church, 101 W All Saints St, Frederick, MD 21701

Thursday 01/19/17, 7–9PM

Room 119, College of Southern Maryland, 2, Prince Frederick, Calvert, MD

Find out more at <http://www.ma4jr.org/pretrial-issue-brief/>

And please sign our petition at <http://www.ma4jr.org/petition/>

MAJR General Meeting

Wednesday, February 1 at 6:30 p.m.

Stony Run Friends Meeting

5116 N. Charles St.

Baltimore, MD 21210

Deborah Shipman wants your vote!

Deborah Shipman is an active supporter of various non-profit organizations: [Maryland Alliance for Justice Reform](#), [The Clarion Call](#), and the [Re-Entry Roundtable for Prince George's County](#), and [Maryland CURE](#). Organization members include concerned citizens, returning citizens, faith-based organizations, nonprofit organizations, and governmental representatives.



Deborah is a 2017 award finalist for the Acts of Kindness Awards produced by Accolade Celebrations, LLC. This is an honor for her and she would appreciate your support by casting a vote for her on website:

<http://www.accoladecelebrations.com/award-nominees.html>. Online voting to determine award winners will conclude Tuesday, January 31, 2017.

MAJR is a nonpartisan association of over forty community organizations and churches with members in every part of the state, formed to support justice reinvestment. Individual supporters include judges, attorneys, corrections professionals, as well as returning citizens, victims, and service providers.

Help us by forwarding this newsletter to your community!

Visit: <http://www.ma4jr.org>

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