

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



A CALL TO CHANGE MARYLAND'S UNFAIR MONEY BAIL SYSTEM

Maryland holds more than 6,000 citizens daily in pretrial detention. The majority have not been convicted, were arrested for nonviolent offenses, and willingly would appear for their day in court. Some may have mental health problems, others may have had one drink too many, some may have forgotten an appointment with a probation officer, but all have this in common: they cannot afford to post a money bail bond to be released. They are kept in jail for one reason: poverty.

Maryland's Attorney General questions the constitutionality of keeping citizens in jail just because they are poor. However, Maryland judges continue to set high money bail bonds that low-income individuals can't pay. If defendants do post bond, the amount due to bail bondsmen can consume months of wages. They can't get this money back, even when they appear for their trial dates or charges are dropped.

Imprisoning low-risk offenders awaiting trials has other serious consequences: Research shows that many lose their jobs and housing while awaiting trial. Family ties may be stressed to the breaking point. Too often, innocent individuals will take a guilty plea—and a lifetime criminal record— just to get out of jail.

Adding to the devastating personal impact, pretrial jail time costs taxpayers over \$100 per day per inmate—much more than the \$2.50 per day per inmate of proven pretrial release and supervision programs.

It doesn't have to be this way.

- **Maryland's court system** can adopt standards to avoid detention due only to poverty and to ensure the "least onerous" conditions for release of citizens awaiting trial consistent with public safety.
- **Maryland's General Assembly** can approve the 2017 Maryland Pretrial – Justice Reinvestment Act (PJRA), to implement pretrial systems proven effective elsewhere in the U.S. With PJRA's toolkit, we can cut pretrial detention, save taxpayer funds, improve public safety and provide pretrial fairness regardless of income. Improvements include:

- increased use of citations in lieu of arrest;
 - screening out “low risk” offenders;
 - statewide coordination for “best practices”;
 - prompt prosecutorial screening, especially for cases involving pretrial detention;
 - expediting “technical” violation of probation cases to avoid delays; and
 - **diversion** programs to redirect appropriate individuals to mental health, substance abuse, **mediation**, and “restorative justice” programs as available.
- **Maryland’s Governor** could lead these pretrial / improvement efforts.

PJRA provisions are briefly outlined at <http://www.ma4jr.org/pretrial-fact-sheet/> and FAQs

With our signatures below, we Marylanders urge the Maryland’s General Assembly, Courts, and Governor Hogan to **support the 2017 Maryland Pretrial – Justice Reinvestment Act (PJRA) and other pretrial improvements to reduce unnecessary pretrial detention,** increase public safety, support Maryland families, and reduce taxpayer costs.

How do you sign this? Go to <http://www.ma4jr.org/petition/> and leave your name and address! MAJR will deliver all these petitions to your Delegate, to your Senator, and to Governor Hogan.

Money Bail and its Role in Mass Incarceration

On Thursday 11/17/2016 the University of Baltimore School of Law hosted a conference "**Money Bail and its Role in Mass Incarceration**" Among the presenters were:

- Paul DeWolfe, Public Defender, MD Office of the Public Defender
- Tara Huffman, Director of Criminal Justice Program, OSI-Baltimore
- Erek Barron, Delegate, MD House of Delegates
- Cherise Burdeen, CEO, Pretrial Justice Institute

The University of Maryland Pretrial Justice Clinic collected a number of **resources** which spoke directly to the topic. In particular was a paper by Paul DeWolfe's Maryland Office of the Public Defender "**The High Cost of Bail: How Maryland’s Reliance on Money Bail Jails the Poor and Costs the Community Millions.**" MAJR was well represented and will have a more complete report soon.

Collateral Consequences Workgroup On Track to Submit Its Report by December 1

The **Collateral Consequences Workgroup** offered stakeholders a second chance to express their views on October 14. The meeting was a lively one, with a variety of perspectives. Brian Lewis, of the Uniform Law Commission, Chicago, reviewed the Uniform Collateral Consequences Act proposed by the Uniform Law Commission and compared it with collateral consequences codes in Maryland. Speakers representing the Innocence Project, the Baltimore Workforce Funders Collaborative, Vehicles for Change, and the Baltimore City States Attorney's Office were among those who took advantage of the opportunity to shape the workgroup's recommendations. Rosalie Dance and Adrian Bishop were there for MAJR and submitted a **complete report**.

The workgroup held two additional public meetings: on October 31 (covered for MAJR by Helen Mealy and Debbie Friese) and on November 14 (covered by Adrian Bishop and Jim Rose). At the **October meeting**, two legal consultants, Shakisha Morgan and Kue Lattimore-Williams, posed and discussed critical questions pertinent to the workgroup's deliberations. For example, they helped the workgroup explore the advantages and disadvantages of a "ban the box" strategy. At the **November meeting**, the workgroup reviewed a draft version of its report with 14 recommendations. Some recommendations were generally accepted by members, including a recommendation that the Maryland Long-Term Employment of Ex-Felons Tax credit, which expired in December 2011, be reinstated. Others proved controversial or required "tweaks."

Judge Williams, workgroup chair, said he expects to submit the group's final report to the Governor's Office of Crime Control and Prevention a few days before its December 1 due date to allow the Office time to prepare for comments when the report is submitted. All meeting reports can be found in the MAJR **"reports" tab**.

MAJR is a nonpartisan association of over thirty 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!

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