

MARYLAND ALLIANCE FOR JUSTICE REFORM

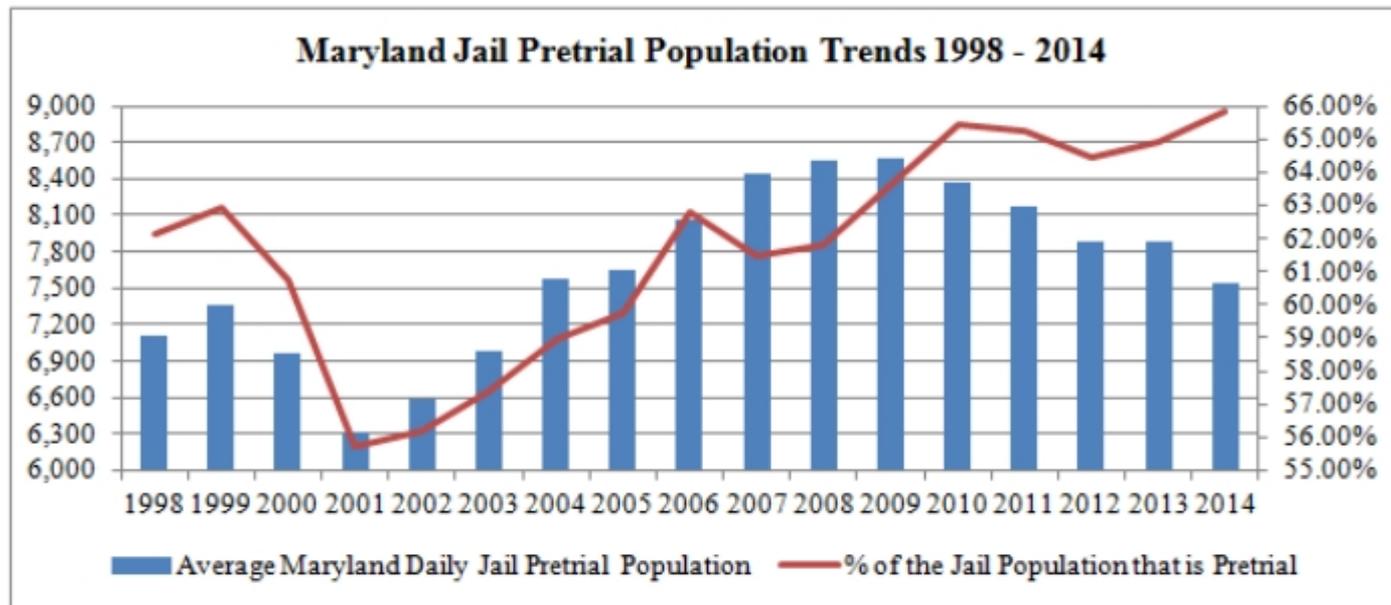
Working to end unnecessary incarceration and build strong, safe communities



Pretrial 101 for Maryland



Percent of jail population awaiting trial



Sources: Department of Public Safety & Correctional Services
 Maryland Correctional Administrators Association

Commission to Reform Maryland's Pretrial System, December 2014



The Pretrial Detention Rate Is Rising

- More and higher money bail requirements
- Constitution: "presumed innocent"?
- If unable to pay, sent to jail. Wealthy set free.

Maryland's Attorney General says: "You can't imprison someone for poverty."

Baltimore Sun, October 11, 2016



Money Bail is used more and more

Financial and non-financial release conditions

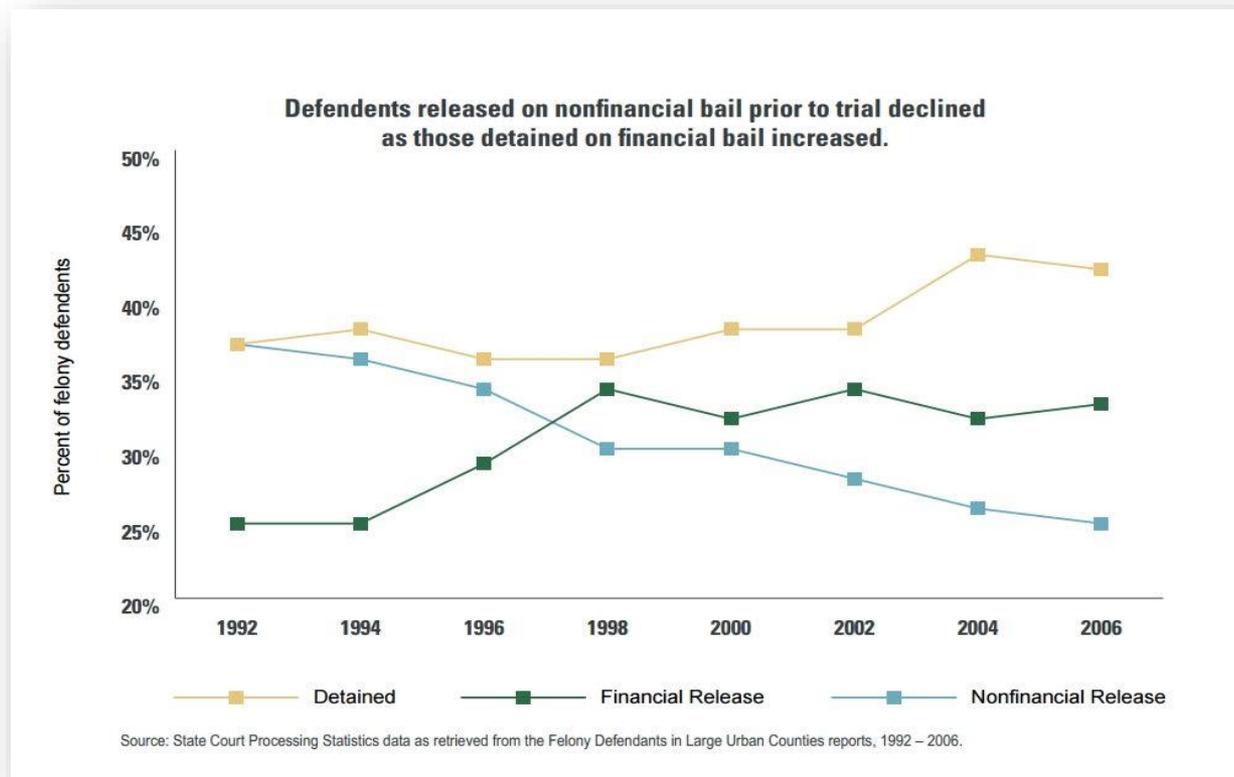
Felony defendants who were freed from jail pending the resolution of their cases were more likely to have been released on recognizance or other non-financial conditions in 1990 than in 2009 and were more likely to have been released on private bonds or other financial conditions in 2009 than in 1990.



Incarceration's Front Door, Vera Institute of Justice, July 2015



Decline in percent released without bail



Bail Fail, Justice Policy Institute, September 2012



Impact on taxpayers:

- Building and running bigger jails is costly
- One jail-day costs \$83-\$159 for each defendant.
- Release and supervision costs \$2.50/day
- More public defenders required
- Prosecutors' costs also increased



“Low Risk” defendants:

- Are more likely to have jobs, housing, and family support
- Are not likely to reoffend if released
- Show up on their trial date
- If jailed often experience loss of job, loss of housing, loss of family support



“Low Risk” defendants:

- If jailed: Learn quickly from “High Risk”
- If jailed 2-3 days: 39% reoffend
- If jailed 4-7 days: 50% reoffend



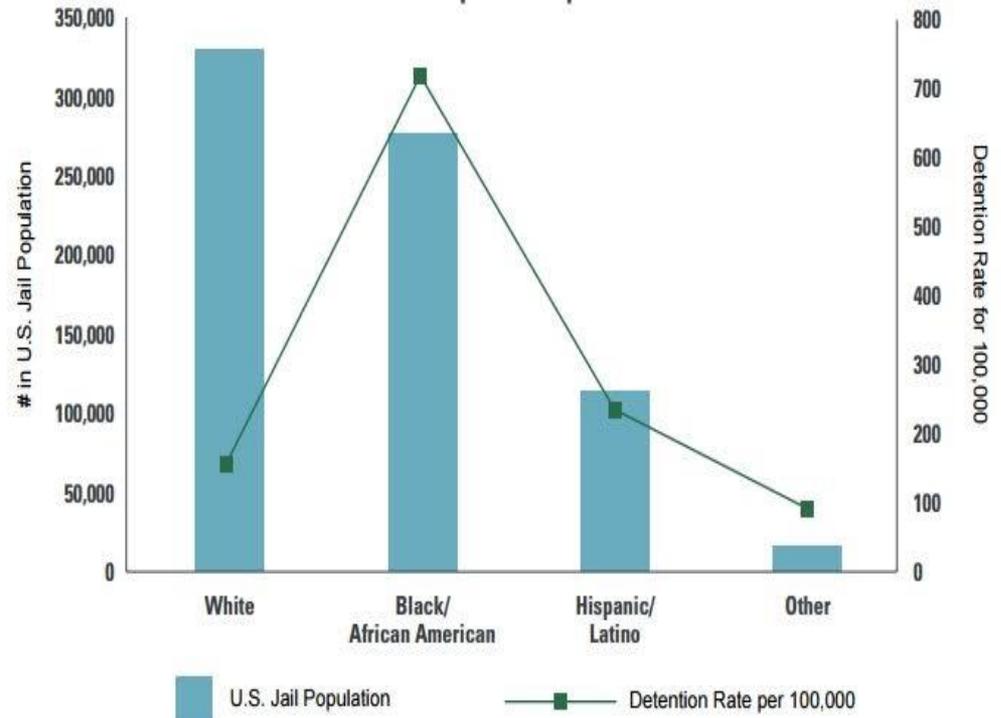
Jailed defendants are more likely

- to be convicted after trials,
- to receive a prison sentence,
- to receive longer sentences,
- to receive lower income for future work.



Blacks and Latinos are more likely to be jailed before their trial

The racial and ethnic breakdown of detention rates reveal serious racial disparities in pretrial detention.

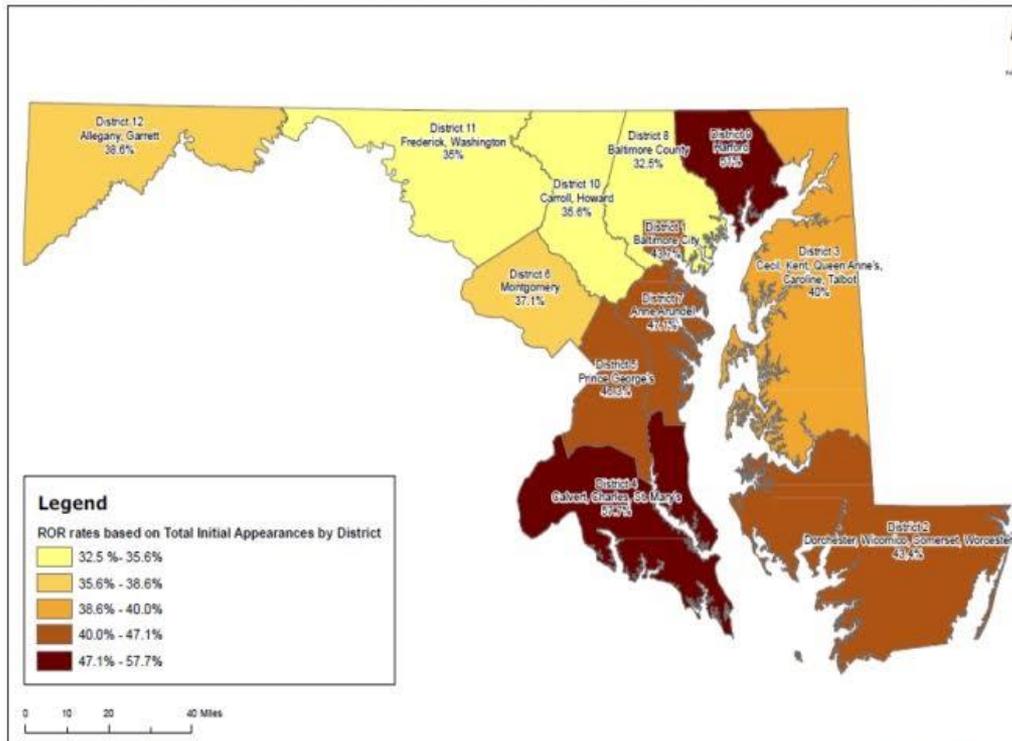


Sources: Karen R. Humes, and others, "Overview of Race and Hispanic Origin: 2010," 2010 Census Briefs, 2011, Table 1; Todd Minton, "Jail Inmates at Midyear 2011 - Statistical Tables," 2012, Table 6.



Pretrial detention: not uniformly applied

2013 Release on Recognizance (ROR) Rates by District in Maryland



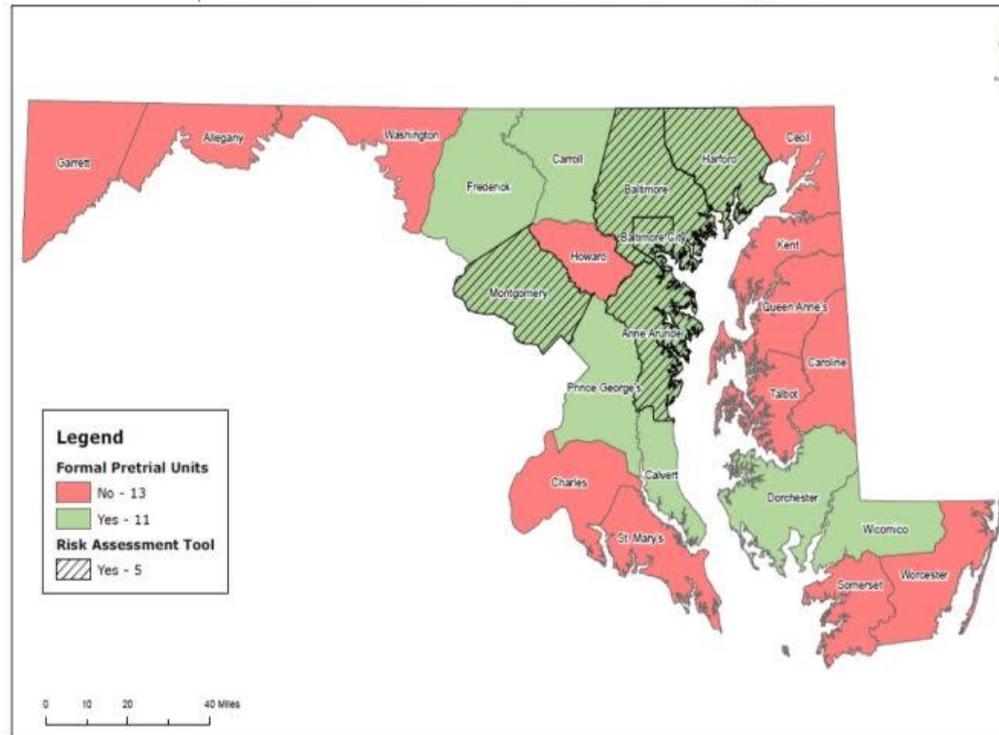
Source: Maryland Judiciary
 Date Extracted: June 17, 2014
 Map Created: June 2014





Pretrial release supervision unavailable in most counties

Counties with Formal Pretrial Units in Maryland



Source: Governor's Office of Crime Control & Prevention
Date Extracted: June 17, 2014
Map Created: June 2014





No Guidelines

- Commissioners and Judges rely wholly on "sound discretion"
- Free to set high bail or deny bail
- "Tough-on-Crime" judges at liberty to jail anyone before trial.



Are bail bond levels arbitrary?

	Violent	Non-violent
Baltimore Co.	\$57,788	\$13,505
Harford	\$57,083	\$3,000
Montgomery	\$15,310	\$8,685
Prince Georges	\$25,665	\$8,189
St. Mary's	\$37,000	\$7,083
Washington	\$43,926	\$26,800

Commission to Reform Maryland's Pretrial System, December 2014



What Have We Accomplished?

2016 Maryland Justice Reinvestment Act

- Comprehensive plan to reduce mass incarceration in prisons

Maryland Code, Chapter 515 of 2016

What's Next?

2017 Maryland Pretrial Justice Reinvestment Act

- Comprehensive plan to reduce pretrial detention



2017 Pretrial JRA addresses:

- Lack of oversight and consistency
- Lack of evidence-based, uniform “risk” screening
- Taxpayers’ excess costs with excess detention
- Punitive use of high money bail for citizens presumed innocent
- Pretrial delays for citizens with unrecognized mental health, substance abuse & other treatable problems.



Pretrial JRA components:

- Adds oversight by the Justice Reinvestment Oversight Board
- Adopts nondiscriminatory screening for “risk”
- Prefers citations for misdemeanor arrests
- Streamlines technical violation of probation cases
- Encourages pretrial diversion when possible



Pretrial JRA components:

Pilot Programs in Baltimore City and 2-3 Counties

- adopt uniform risk-assessment,
- apply “best practices” for pretrial supervision
- use “nonmonetary bail” presumptions.



Pretrial JRA components:

Citations in lieu of arrest unless:

- Defendant's identity is doubted
- Defendant unwilling to cooperate
- Danger to persons or serious injury is involved
- Related felony charges or "open warrants"



Pretrial JRA components:

Prosecutors required to prescreen defendants

- For misdemeanor charges filed by citizens
 - In D.C., nearly 50% of such charges are disposed of without a court date.



Pretrial JRA components:

- Provides clear guidelines in cases of violation of probation
 - requires summons and compliance with bail rules
 - directs other judges promptly to review bail and hear cases if original judge is unavailable.
 - directs that, if a case is not heard within maximum penalty days, defendant should be released and directed to appear later.



What can you do?

- Urge your delegates and senator to support pretrial justice.
- Learn more about pretrial justice: visit <http://www.ma4jr.org/pretrial-justice/>
- Tell your neighbors: share the MAJR Newsletter. See the MAJR signup sheet.
- Join MAJR: <http://www.ma4jr.org/get-involved/>

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



- Thank You For Your Attention!
- Questions?
- If you are interested in staying informed, please leave your email address on the MAJR signup sheet.
- And visit our website: <http://www.ma4jr.org/>



Primary Sources

Incarceration's Front Door: The Misuse of Jails in America

Vera Institute of Justice, July 2015

http://archive.vera.org/sites/default/files/resources/downloads/incarcerations-front-door-report_02.pdf

Bail Fail: Why the U.S. Should End the Practice of Using Money for Bail

Justice Policy Institute, September 2012

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Commission to Reform Maryland's Pretrial System

Final Report, December 2014

<http://goccp.maryland.gov/pretrial/documents/2014-pretrial-commission-final-report.pdf>

The Hidden Costs of Pretrial Detention

Christopher T. Lowenkamp, Marie VanNostrand, Alexander Holsinger

Arnold Foundation, Nov 2013

http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF_Report_hidden-costs_FNL.pdf

Maryland Attorney General: Pretrial Detention Opinion

[http://webiva-](http://webiva-downton.s3.amazonaws.com/521/69/3/1242/Barron_Dumais_Hettleman_Korman_Lierman_10_11_16.pdf)

[downton.s3.amazonaws.com/521/69/3/1242/Barron_Dumais_Hettleman_Korman_Lierman_10_11_16.pdf](http://webiva-downton.s3.amazonaws.com/521/69/3/1242/Barron_Dumais_Hettleman_Korman_Lierman_10_11_16.pdf)

"Unconstitutional detention"

Baltimore Sun, October 13, 2016

<http://www.baltimoresun.com/news/opinion/editorial/bs-ed-affordable-bail-20161013-story.html>