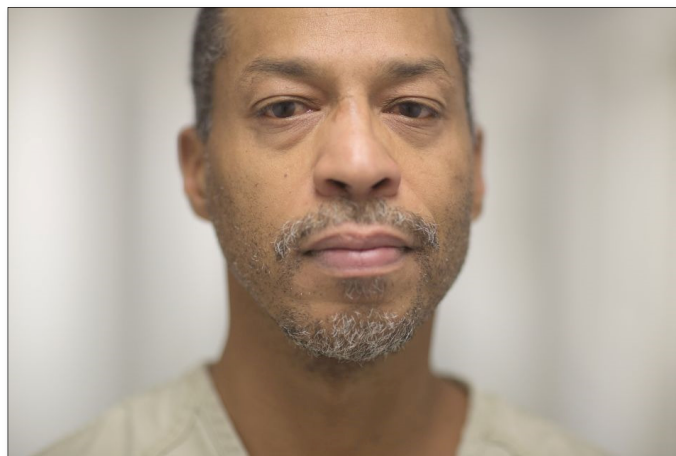


# STEPS IN THE RIGHT DIRECTION: MARYLAND COUNTIES LEADING THE WAY IN PRETRIAL SERVICES

January 2018

**Criminal and Juvenile Justice Program  
Open Society Institute-Baltimore**



*James W., St. Mary's County. Bail: \$3,000. Detained 36 days before case was dismissed. (All photos David Y. Lee)*

## EXECUTIVE SUMMARY

Multiple judicial, legislative and executive opinions and reports spanning more than a decade have all concluded that Maryland’s pretrial system is unfair, unsafe, ineffective, costly, and in need of serious reform. Too many pretrial practices in the state are not evidence-based and reflect a tough-on-crime mentality that punishes individuals who have yet to be found guilty of committing any crime. Current practices, particularly those involving cash bail and secured bonds, produce and exacerbate racial and economic disparities. Those who are assigned cash bail but lack the money to pay it—most often racial and ethnic minorities—end up incarcerated solely because of their inability to pay. As a result, many people who pose no serious risk, and could be safely served in the community instead, unnecessarily linger in jail.

The consequences of this unnecessary incarceration can be dire. Even just a few days of pretrial incarceration can result in the loss of housing or employment, missed payments and negative credit consequences, disruptions to family relationships and medical care, and more. With decreased ability to assist in preparing their legal defenses, incarcerated defendants are more likely to be wrongfully convicted. And the losses suffered while awaiting trial in jail can make some defendants more likely to turn to crime for their survival once released, creating a negative net impact on public safety in the long term.

Thankfully, recent changes to Maryland court rules have decreased the number of people being held on bail amounts they cannot afford. In many parts of the state, this has increased the number of people being safely released to the community either on their own recognizance or under some form of pretrial supervision. In jurisdictions without adequate pretrial release programs, however, some judges have responded to the rule changes by holding an increased number of defendants in jail, viewing pretrial incarceration as the only option available to them for far too many people. These changes have highlighted the need for more pretrial release programs, a highly effective but under-utilized option for individuals who are not appropriate for release on their own recognizance but do not pose enough of a risk to remain incarcerated pretrial. For people who fall in this range, pretrial release programs can provide additional supervision and support so they can remain safely and productively in the community while they await the resolution of their case.

As statewide efforts to reform the pretrial system finally gain steam, many Maryland counties have already taken steps in the right direction to introduce or expand pretrial release programs. The results of these local efforts are impressive, demonstrating that a statewide approach that places a priority on community-based pretrial services is effective at ensuring that people return to court while leading to better public safety outcomes and significant cost savings when compared to pretrial incarceration. Counties have found that it is up to 11 times cheaper to serve defendants in the community than it is to hold them in jail and that public safety is improved in the process by connecting defendants with community services and resources to meet their needs so they can remain crime-free.

This report explores three Maryland jurisdictions—St. Mary’s County, Montgomery County, and Baltimore City—that are leading the way in improving pretrial justice in the state. The information included here comes from the heads of each jurisdiction’s pretrial service agency, with input solicited from local public defenders working with those systems. Along the way, we highlight strategies that other counties can use to make their local pretrial systems more effective. While each of these jurisdictions can be used as a model for others to follow, it is important to note that no single county yet has perfect pretrial practices, and there is always more room for improvement to bring about a fairer, safer, and more effective pretrial justice system. We hope the information in this report will be of use to jurisdictions across Maryland as we work together to bring about a more just and effective criminal justice system.



*Marcus R., St. Mary’s County*

*Bail: \$20,000*

*Detained 178 days before trial, found guilty of one misdemeanor weapon charge, sentenced to time served. Paid \$1,000 to bondsman for initial bail of \$10,000 which was then upped to \$20,000 and initial bond revoked. Still owes on loan taken to pay \$1,000.*

## St. Mary's County

### Pretrial Services in a Small County

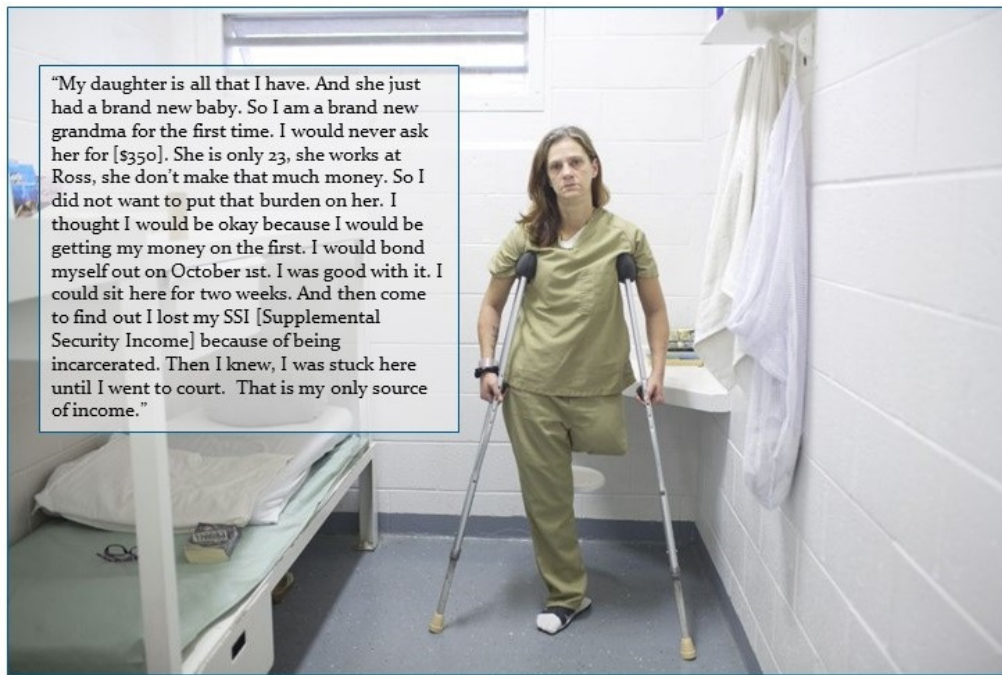
St. Mary's County is an example of how a smaller Maryland county can create its own pretrial services program from scratch with relative ease. St. Mary's County program is based at the local jail and uses existing staff to screen candidates for release and provide community supervision services. It uses an evidence-based risk assessment tool to screen eligible individuals, which is totally cost-free to participants. In its very first year of operation, the program provided community supervision to over 200 individuals awaiting trial who would otherwise have been in jail. In the process, the county saw significant benefits to public safety and saved almost \$400,000. The following paragraphs provide a brief overview of how the county achieved these positive results.

#### History

Before 2015, St. Mary's County did not have its own pretrial services program. Instead, it relied on the Maryland Department of Parole and Probation to provide community supervision of individuals from its jurisdiction awaiting trial. Staff at Parole and Probation, however, were accustomed to providing supervision for convicted and sentenced individuals, and were almost always overextended. Consequently, they often found people to be in violation of their release conditions and revoked their releases at the first missed appointment or positive drug test, resulting in the county jail being over capacity by 50%.

Captain Michael R. Merican, then assistant sheriff and warden of St. Mary's jail, had recently served on the 2014 Governor's Commission to Reform Maryland's Pretrial System. Taking the recommendations of the commission to heart, Captain Merican envisioned a better way to provide pretrial services in St. Mary's County. He and his staff developed a plan to start their own pretrial release program based out of the jail, and presented the plan to local judges and county's state's attorney, both of whom quickly became eager partners in the endeavor.

The jail already had a Community Services department, which was responsible for transporting individuals to court and providing reentry support to sentenced individuals nearing release. To staff the department's new pretrial release program, the jail reassigned two floor officers to serve as case managers. Because the pretrial release program shifted a significant portion of the jail's population from incarceration to community supervision, there was no increased workload imposed on the remaining floor staff. The jail also hired a supervisor for the Community Services department. Beyond this one new hire, the only other startup costs for the program were purchasing GPS monitoring software, rapid drug testing kits, and bus tokens. Altogether, the program's startup costs were only \$200,000.



*Julie C., St. Mary's County*

*Bail: \$3,500. Detained 80 days before trial, found guilty of misdemeanor drug possession, sentenced to time served.*

Captain Merican wanted to adopt an evidence-based risk assessment tool to screen candidates fairly for public safety and court appearance risks, as this had been a key recommendation of the Governor's Commission and other previous reports. To save money, St. Mary's reached out to the Montgomery County Department of Correction and Rehabilitation, which had already developed and validated its own risk assessment tool and which let St. Mary's Community Services department use it at no cost. The tool assesses both risk and protective factors and allows for pretrial services agents to override the recommended level of supervision based on specific considerations, such as the severity of the current crime not matching the risk level calculated based on prior criminal history. Anyone deemed a reasonable danger to public safety or a flight risk remains in jail until his or her trial; and those who are determined to be a low risk are recommended for release.

Like with any new system, there can be some kinks to be worked out. The override options that are available in many current risk assessment tools can sometimes be over-relied upon, resulting in unnecessary recommendations that low-risk defendants remain in jail without sufficient justification. For example, defendants who score as low-risk might have their scores overridden and be recommended for pretrial incarceration based on their having a substance use disorder and therefore being viewed as difficult to work with by pretrial release case managers. This underscores the importance of staff training, both in how to appropriately apply and interpret risk assessments and, particularly for case managers, how to successfully work with a variety of people, such as those dealing with mental illness, addiction, domestic violence, or trauma. It also highlights the importance of release program staff cultivating relationships with a variety of

community-based service providers, such as those offering drug addiction treatment and recovery resources.

### **How it Works**

St. Mary's pretrial services programs targets individuals who are unable to pay the amount of bail assigned by a court commissioner. After being seen by the commissioner, individuals are seen by a case manager for screening using the risk assessment instrument. If a person is identified as not being a risk to public safety or likely not to appear at his or her hearing, the case manager provides a recommendation to the judge for pretrial release, either on the person's own recognizance or under a recommended level of supervision. The judge retains discretion to approve, deny, or modify the recommendation. If the judge agrees to pretrial release, the defendant is assigned a case manager.

Each of the program's two case managers oversees a caseload of 25-30 people on community supervision. Case managers assist participants in obtaining IDs, enrolling in health insurance, getting connected to community-based services, monitoring compliance with release conditions, and providing court date reminders. The program employs four levels of supervision, with higher levels including more frequent meetings with the case manager and the highest level including GPS monitoring. Case managers stay in frequent contact with the court regarding the appropriate level of supervision, and have been granted authority by the court to adjust the level of supervision upward or downward, as appropriate, based on a participant's compliance and needs.

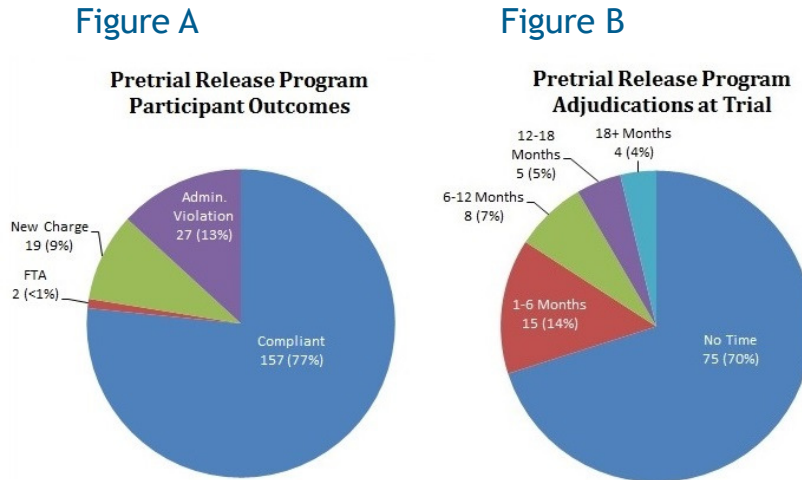
Crucially, case managers do not immediately rescind release for participants upon their first technical violation or misstep. Instead, recognizing that people make mistakes or have difficulty complying with requirements—for example, that relapse is a part of recovery for drug users—the case managers work closely with participants to correct missteps and connect them to the community services that can help participants address any unmet needs. Ultimately, a case manager's goal is to help participants remain safe and successful in the community while awaiting trial. Thus, case managers recommend re-incarceration only after exhausting all other options.

Other existing Community Services staff assist the case managers with the pretrial release program. For example, other staff transport participants to appointments in the community and sometimes help with home check-ins. Reentry support staff use their existing network of community-based service providers to connect participants with needed services, such as health care and drug counseling. Because the jail is staffed around the clock, participants are able to meet with case managers and report for drug testing at times that do not disrupt their employment, including during weekends and evenings as late as 11 p.m. Because most participants are indigent and community-based supervision saves the jail money, the program has no fees and is completely cost-free to participants.

### **Year 1 Outcomes**

In its first year of operation, the program released more than 200 people to pretrial community supervision, with an average daily release population of 55. Of those released, 77% remained

compliant with the terms of their release, with no new violations. The majority of violations that did occur were technical or administrative in nature, rather than due to a new arrest or failure to appear in court. More than 99% of participants appeared for all court dates, and 91% had no new charges during their release (see Figure A). Meanwhile, those released to pretrial supervision were able to maintain their employment, housing, and/or family and community relationships and connect to a variety of community services, including mental health and drug treatment, primary care, and workforce development programs.



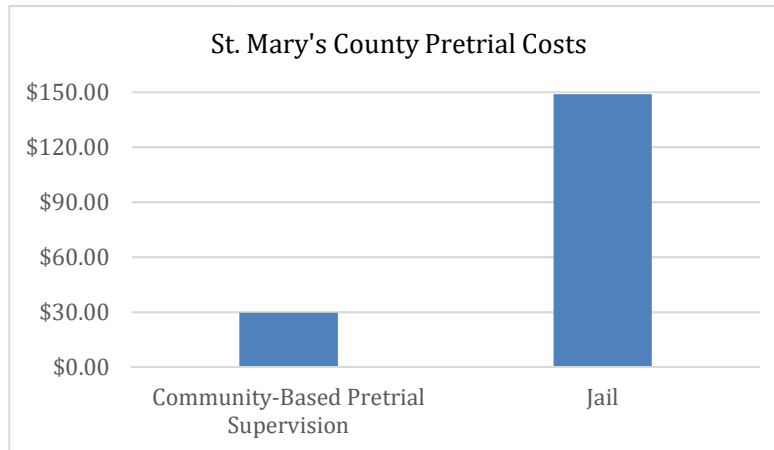
The benefits of pretrial release extend beyond the pretrial period. Once participants’ cases went to trial, 70% were adjudicated with no new jail time and 91% received sentences of less than one year (see Figure B). This substantially greater proportion of short sentences as compared to the county’s general incarcerated population is due to multiple factors, including:

- 1) People released to the community are better able to adequately plan their legal defenses than those who sit behind bars awaiting trial, giving them a greater chance at a fair trial.
- 2) Positive engagement in treatment and services while under pretrial supervision demonstrates to judges that these individuals are not a threat to public safety.
- 3) Those released to community supervision tend to have less serious charges, which result in shorter sentences if they are found guilty.

Thanks to the use of pretrial release services and the resulting reduction in the length of sentences for the jail’s convicted population, the pretrial release program has helped to reduce the facility’s daily incarcerated population by 33% and eliminate jail overcrowding, with pretrial services accounting for approximately 61% of the reduction.

In addition to strong public safety and justice outcomes, St. Mary’s pretrial release program has generated substantial savings, costing only \$29.63 per person per day, in contrast to incarceration

at \$148.85 per person per day (see Figure C). Over the course of its very first year, the program saved the jail almost \$400,000.<sup>1</sup> This figure only includes the direct, immediate savings from supervising people in the community rather than incarcerating them while awaiting trial. It does not take into account additional savings accrued to the county from the reduced sentence lengths, mentioned above, following many convictions.



### Key Elements of Effectiveness: St. Mary's County

- ✓ **Easy startup.** By using existing jail facilities, existing staff, and an existing risk assessment tool, the program required very little time and few resources to start up.
- ✓ **Effective results.** The county does not release dangerous people and those it does release to the pretrial program have good public safety and court appearance outcomes. Case manager help pretrial releases meet their needs in the community, and multiple levels of supervision provide flexibility. Overall, the program results in a reduction in the number of guilty verdicts and in the length of sentences, and jail overcrowding is eliminated.
- ✓ **Inexpensive, with immediate return on investment.** The program has minimal startup costs and is inexpensive to run, resulting in net Year 1 cost savings in St. Mary's County of almost \$400,000. Pretrial community supervision is five times less expensive than pretrial incarceration.

Per capita, St. Mary's County has the same rate of crime—including violent crime—as the rest of Maryland, so what works for pretrial individuals there is likely to work for individuals in counties across the rest of the state.

## Montgomery County: Pretrial Services Scaled Up

For counties already implementing some form of pretrial release services, Montgomery County offers a model of how to scale up these services and implement best practices to serve a greater number of people. Operated within the county's Department of Correction and Rehabilitation,

<sup>1</sup> The program saved a total of \$594,000 in its first year. Taking into account the program's startup costs (\$200,000), the net Year 1 cost savings were \$394,000.



Montgomery County's Pre-Trial Services Division has been in effect for 26 years. The division is responsible for assessing newly arrested individuals for the possibility of release into the community while awaiting trial and for subsequently supervising those individuals in the community. The division supports four separate programs: the Pre-Trial Assessment Unit; the Pre-Trial Supervision Unit; the Intervention for Substance Abusers Program; and, the Alternative Community Service Program. The division uses validated risk assessment tools to screen individuals for public safety and flight risks and, if supervised release is recommended, to determine the appropriate level of community supervision.

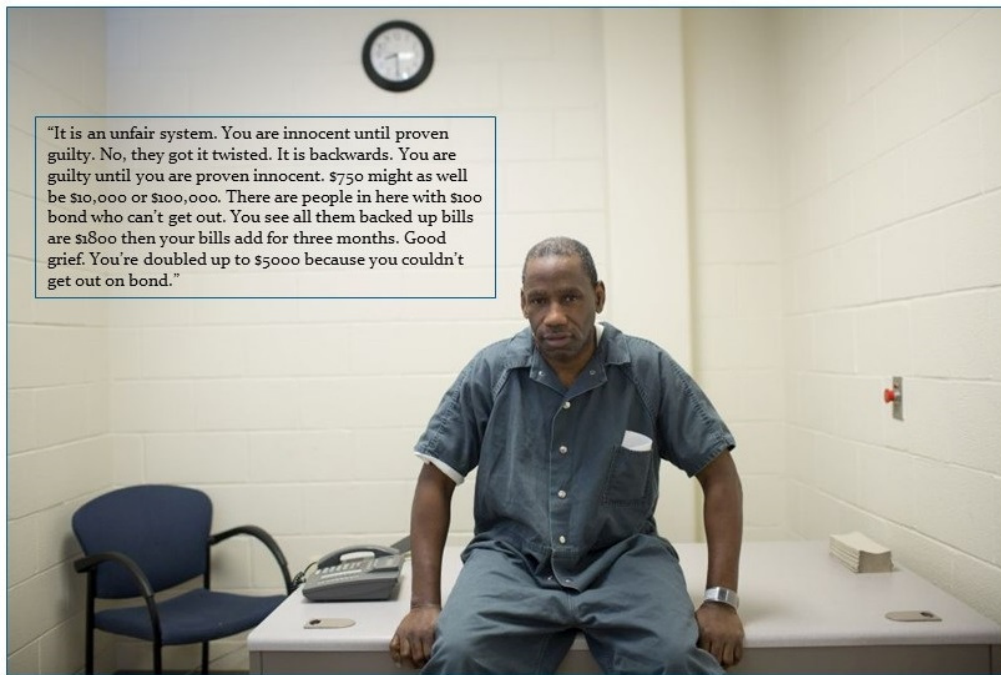
### **How it Works**

Immediately following their arrest and booking, individuals go before a court commissioner, even if the arrest takes place at night or over the weekend. If the commissioner decides not to release an individual immediately or sets bail in an amount that the individual does not meet right away, the individual is seen by Pre-Trial Assessment Unit staff that day or the next morning. The Assessment Unit staff administer an evidence-based, validated risk assessment tool to develop its release or retention recommendation to the court. The risk assessment tool takes into account not only risk factors, such as the severity of the current offense or previous failures to appear in court, but also mitigating factors, such as whether the individual is currently employed or has had no other arrests within the past 12 months.

Pre-Trial Assessment Unit staff never make a recommendation for monetary conditions of release; instead, they recommend release on one's own recognizance, release under pretrial supervision, or detention in jail until trial. The Assessment Unit's recommendation is shared with the court, the State's Attorney's Office, and the Office of the Public Defender, and the detained individual goes before a judge at 1 p.m. the same day to be considered for release or retention. Individuals who are released are generally held for less than 24 hours, allowing them to get back to their lives quickly, with minimal hardship to their employment, housing, or family relationships.

The Pre-Trial Supervision Unit, comprising 12 case managers, oversees the approximately 700 individuals who are released under pre-trial supervision annually, helping them to remain compliant with the conditions of their release. Program services include assisting participants to connect with community services such as housing and employment resources and to obtain health insurance and identification. Case managers also provide court date reminder calls. Additional unit staff include an on-site mental health therapist and a service referral coordinator.

The unit offers several levels of supervision, ranging from phone check-ins to multiple weekly in-person meetings combined with field visits, drug and alcohol testing, and GPS monitoring, depending on the particular person. The supervision unit uses a separate risk assessment tool to determine the appropriate level of community supervision for those in its care. In order to reduce the burden on participants' personal and work lives, the unit offers in-person supervision services at three separate locations across the county as well as evening hours twice per week.



*Bill Lee, Montgomery County*

*Bail: \$7,500. Detained 40 days before charge dismissed*

The other units of the Pre-Trial Services Division focus on specific populations. The Intervention for Substance Abusers Program offers diversion from prosecution for some individuals charged with minor drug-related crimes. The program offers around 150 participants at a time the opportunity to remove their cases from the court system by completing substance use disorder treatment, educational courses, drug testing, and community service. The Alternative Community Services Program is another diversion program, aimed primarily at first-time offenders and individuals charged with misdemeanors or some minor felonies. It offers about 700 participants at a time the opportunity to engage in educational classes and community service in lieu of prosecution. For both of these programs, the Pre-Trial Services Division staff help individuals file paperwork for expungement of their charges once they complete the programs' conditions.

### **Program Outcomes**

In 2016, Montgomery County's Pre-Trial Services Division placed more than 2,900 individuals on community supervision. Of this group, over 96% appeared for all scheduled court dates (see Figure D). Only 2.4% had a new arrest—and even fewer had a new conviction—during the pretrial release period (see Figure E). These 2,900 people, who otherwise would have been held in jail pending trial, were, for the most part, able to avoid the many negative effects of pretrial incarceration. These include: a strong likelihood of job loss and difficulty in securing future sustainable employment; the inability to care for family needs such as housing, food, transportation, and health care; separation and alienation from their families and communities; long-term harmful impact on their children; and negative health outcomes associated with loss of freedom such as depression, hypertension, paranoia, and suicidal thoughts and actions.

Since implementing its pretrial release program, Montgomery County has seen a 35% increase in recommendations for release by the Pre-Trial Assessment Unit and a corresponding decrease in its jail population. In addition to the numerous positive social results referenced above, the program has resulted in huge savings to the county and its taxpayers. It costs the Pre-Trial Services Division \$17.48 per day to supervise an individual in the community, in contrast to \$193.15 per day to hold that same person in jail (see Figure F). The potential cost savings to counties that follow suit are immense.



### Key Elements of Effectiveness: Montgomery County

- ✓ **Strong public safety and court appearance rates.** Of the 2,900 people served under community supervision in 2016, over 96% appeared for all court dates and only 2.4% had a new arrest, with even fewer having a new conviction—demonstrating that a great number of people can be safely and effectively served in the community while awaiting trial.
- ✓ **Scale creates efficiency and increased cost savings.** Serving a larger number of individuals with a larger dedicated staff leads to a more comprehensive network of community service providers and faster processing for participants, allowing those who pose little risk to be released back into the community within 24 hours. While a small jurisdiction like St. Mary’s County may find it five times less expensive to serve a pretrial defendant in the community rather than in jail, this number can grow to more than ten times cheaper once implemented on a larger scale.
- ✓ **Attendant diversion programs** that are made available to pretrial releasees can further help to alleviate overburdened court systems and reduce jail overcrowding, saving the county money without harming public safety.

## Baltimore City: Lessons Learned from Over Half a Century

Baltimore City has Maryland’s largest pretrial population and its oldest pretrial release program, which has been operating continuously for more than 50 years. In that time, the program has gone through many changes and organizational shifts, in the process becoming the largest and most comprehensive example of pretrial release services in the state.

## History

Baltimore City has Maryland's largest pretrial population and its oldest pretrial release program, which has been operating continuously for more than 50 years. In that time, the program has gone through many changes and organizational shifts, in the process becoming the largest scale example of pretrial release services in the state.

- **1968:** The PRSP was transferred to the Supreme Bench of Baltimore City, which is now the Circuit Court for Baltimore City.
- **1983:** The program was shifted to the Office of the Clerk.
- **1985:** The Maryland General Assembly passed legislation assigning the PRSP to the Division of Parole and Probation.
- **1988:** The Maryland General Assembly passed legislation establishing the Pretrial Services Division within the Department of Public Safety and Correctional Services.
- **1991:** The Maryland General Assembly passed legislation transferring the oversight of the Baltimore City jail to the Department of Public Safety and Correctional Services. The legislation also mandated the construction of a central booking facility and merged the Pretrial Services Division with the new Baltimore City Detention Center under the newly created Division of Pretrial Detention and Services.
- **2011:** The PRSP was transferred back to the Division of Parole and Probation.

The PRSP's organizational shifts and transfers over the past several decades provide a unique institutional perspective and insight into the criminal justice system in Baltimore City. The shifts have also allowed the PRSP to develop partnerships across the criminal justice system and to work collaboratively with others. For example, PRSP staff currently participate on many committees and councils, including : the Domestic Violence Fatality Review Team and the Domestic Violence Coordinating Council; the Criminal Justice Coordinating Council Post Arrest Practices Committee, Warrant Committee, Continuity of Operations Committee, and Mental Health Committee; the Baltimore Health Systems Criminal Justice Committee; Baltimore City GunStat Domestic Violence Stat; the Community Services Advisory Council; and, the Department of Public Safety and Correctional Services Reentry workgroup.

## How it Works

The Baltimore Pretrial Release Services Program currently has 89 employees and operates in five different locations, including the Baltimore Central Booking and Intake Center and four courthouses. The program, which operates year-round, is divided into three sections: the Investigative Services Section; the Case Management Section; and the Administrative Services Section. The PRSP's Administrative Services Section is responsible for most clerical functions as well as property management, procurement, supply ordering and inventory. The program is overseen by an executive director, who monitors the performance of the three sections through regular audits, shift meetings, and observation. Each section of the PRSP submits a daily "morning report" to the deputy director for operations. This report provides data on the number

of investigations, bail reviews, cases under supervision, and more, enabling PRSP to track trends, identify work flow issues, and respond appropriately.

PRSP's Investigative Services Section staff conduct interviews with all individuals held prior to their bail review hearings in the District Court the day following their arrest. During the interview process, staff gather demographic information, criminal history information, drug use history, and other relevant information. Staff confirms the information through telephone conversations with family members, friends, or employers, where applicable. The section's Bail Review Unit then feeds the information into its own internal risk assessment tool, which allows its staff to formulate a recommendation to the court supporting either release or detention prior to trial. Like many other risk assessment instruments, Baltimore's tool includes mitigating and aggravating factors that can be used to override the calculated score based on individual circumstances.

The PRSP's Case Management Section is responsible for assisting those individuals who are released by a judicial officer and placed under pretrial supervision. This supervision can encompass any number of requirements, including in-person visits, telephone contact, home visits, random or scheduled urinalysis, addiction assessment, curfew, and any other condition ordered by the court. Case managers report back to the court on the individual's adjustment and amenability to supervision and have contact with releases at least once per week, with many individuals having to report more often. Higher risk individuals report in person, while lower risk individuals report by telephone. Case managers remind individuals of their court date during each contact. Beginning in September 2017, the PRSP also started using a text messaging system to remind releases of upcoming court dates.

While case managers do their best to connect participants with services and resources in the community, this is one area where Baltimore's program could improve; there are not always enough resources available to the program to meet all of each participant's needs. Given the immense cost savings and other benefits that come from pretrial release programs like Baltimore's (see below), it makes fiscal sense to fully fund them so they can be as effective as possible. Likewise, increased funding of community services and resources such as drug treatment and job training can help ensure that pretrial case managers have sufficient options available to them.

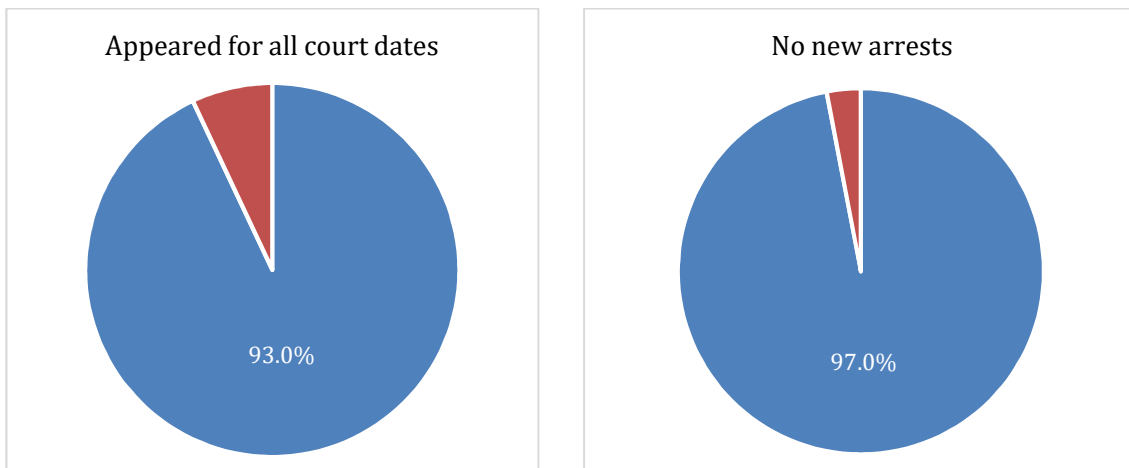
Like the pretrial release programs in St. Mary's and Montgomery counties, Baltimore's PRSP charges no fees to its participants, recognizing that imposing fees on mostly poor individuals only leads to greater financial hardship and an increased chance of re-arrest. Unlike St. Mary's and Montgomery counties, however, the Baltimore PRSP has never used GPS technology to monitor those released under its supervision electronically, demonstrating that effective community supervision is possible without expensive monitoring technology.

Additionally, the Case Management Section operates a small intake unit and is operationally responsible for the Addictions Assessment Unit of the Circuit Court, which has partnered with

the PRSP for more than 30 years. This unit performs addiction assessments ordered by the Court and reports its findings to the PRSP and the Court. The unit monitors the progress of individuals if they are ordered to treatment while under PRSP supervision.

### Program Outcomes

Baltimore's Pretrial Release Services Program is highly effective, with consistently low rates of re-arrest and failures to appear in court. In fiscal year 2017, more than 93% of individuals under PRSP supervision appeared for all court dates, and more than 97% had no new arrests (see Figures G and H). Of the few who were rearrested, most were for non-violent crimes. While PRSP does not calculate cost savings of pretrial release compared to incarceration, we know that it costs \$198.04 per person per day to house an individual in jail in Baltimore City, and the U.S. federal court system has calculated that it is on average roughly 10 times cheaper to put an individual under pretrial supervision in the community than to detain them in jail.<sup>2</sup> As recently as 2010, it cost only \$2.50 per day to serve a person released under PRSP supervision.<sup>3</sup>



### Key Elements of Effectiveness: Baltimore City

- ✓ **Strong relationships with criminal justice system stakeholders.** By cultivating lasting relationships with partners across the criminal justice system, PRSP is able to share the lessons it has learned and make the case for increased use of pretrial release to serve greater numbers of individuals in the community safely.
- ✓ **Effective public safety outcomes.** With the vast majority of program participants appearing for all court dates and less than 2.5% having a new arrest during release, Baltimore's PRSP is able to supervise individuals in the community safely and effectively while ensuring court appearance. Of the very small number who are rearrested, the majority are for non-violent crimes.

<sup>2</sup> United States Courts (July 2013). Supervision Costs Significantly Less than Incarceration in Federal System. Washington, DC. Retrieved from <http://news.uscourts.gov/supervision-costs-significantly-less-incarceration-federal-system>

<sup>3</sup> Justice Policy Institute (June 2010). Baltimore Behind Bars: How to Reduce the Jail Population, Save Money and Improve Public Safety. Washington, DC. Retrieved from <http://www.justicepolicy.org/research/8162>

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- ✓ **Electronic monitoring not required.** Unlike St. Mary’s and Montgomery counties, Baltimore’s PRSP does not have GPS monitoring technology to track the movements of individuals, demonstrating that jurisdictions without GPS monitoring can still effectively serve and supervise those released into the community while achieving strong public safety outcomes.

## Conclusion:

### A Fairer, Safer, and More Cost-Effective System

Jurisdictions across Maryland are increasingly realizing the value of pretrial release programs, finding them a safer, cheaper and more effective alternative to pretrial incarceration. While there are common elements to most effective pretrial release programs—such as objective risk assessment tools, court date reminders, connections to community resources, and a lack of fees charged to participants—differences in the programs from St. Mary’s County, Montgomery County, and Baltimore City show that there is no “one size fits all” model for pretrial services. Like St. Mary’s County, jurisdictions can use the resources already available to them to put in place effective pretrial release programs. And like Baltimore City, jurisdictions can successfully operate a pretrial release program without electronic monitoring technology. Each jurisdiction can learn from what already exists and adapt existing models for its local communities.

Despite their encouraging results, existing pretrial release programs are not perfect. There are many remaining questions that existing programs are working through, such as how to ensure that risk assessment tools account for and mitigate racial bias in the criminal justice system, what an appropriate level of surveillance is for defendants who are yet to be convicted of any crime, and how to connect people with health care such as substance use disorder treatment without having non-health care professionals mandating specific forms of treatment. Nonetheless, existing Maryland programs serve a crucial need, allowing people to return to their families and communities with no monetary conditions while they await trial, while also improving public safety and saving jurisdictions money in the short and long-term.



# OPEN SOCIETY INSTITUTE-BALTIMORE

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Criminal and Juvenile Justice Program  
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The Open Society Institute–Baltimore’s Criminal and Juvenile Justice Program seeks to reduce the use of incarceration and its social and economic costs without compromising public safety, and promote justice systems that are fair, are used as a last resort, and offer second chances. It supports advocacy, public education, research, grassroots organizing, litigation and demonstration projects that focus on reforming racial and social inequities at critical stages of the criminal and juvenile justice systems—from arrest to reentry into the community.

## PRIORITIES

Reform arrests and pre-trial detention policies to reduce Baltimore City’s pre-trial detention population.

The program supports efforts to: investigate and promote effective alternatives to arrests, including school-based arrests; promote community-based alternatives to youth detention centers and adult jails; reform bail practices; create and implement objective, validated risk assessment tools; and end the practice of automatically charging youth as adults.

Reform parole and probation policies to reduce Maryland’s prison population.

The program supports efforts to increase the number of people who are released on parole, including individuals serving parole eligible life sentences; and decrease the number of people who are incarcerated for technical parole or probation violations.

Ensure the successful re-entry and reintegration of people with criminal records.

The program supports advocacy efforts and demonstration projects that promote policies and practices that ensure access to employment, education and other opportunities regardless of criminal background status.

### **The OSI-Baltimore Brief Series**

Open Society Institute-Baltimore was created as a field office for the Open Society Foundations to test approaches for solving some of the most difficult challenges faced by cities and communities around the country. In keeping with that mission, we offer this set of OSI-Baltimore Briefs. The initiatives and projects they describe occurred in Baltimore with multiple partners and stakeholders from both the city and state, but the ideas, insights and information they contain are useful to people and places across the nation. Our hope is that these examples may be replicated or adapted so that others may benefit from what we learned about the process, challenges and successes of addressing some timely and widely shared issues.