

## SUPPORT HB 49 / SB 68 with amendments

### MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



Maryland Alliance for Justice Reform (MAJR) supports HB 49 / SB 68 to require validated pretrial risk assessment to assist Maryland courts in determination of a defendant's likelihood to reoffend before trial or to fail to appear for trial.

“Validation” is needed for such risk assessment tools because, without it, predictions of risk may be inaccurate based on prior records and demographics and, as a result, too many Marylanders may receive recommendations to stay in pretrial detention.

With good validation, pretrial detention may be minimized to simultaneously benefit:

- a) Maryland taxpayers—as [pretrial detention costs roughly 10 times more than pretrial supervision](#);
- b) Marylanders awaiting charges—as [ongoing pretrial detention increases the likelihood of inappropriate guilty pleas for “time served”](#); (also, see [2017 Yale study](#)) and
- c) Maryland communities' public safety—as [reliable national studies suggest that as few as three days pretrial detention may substantially increase a defendant's “risk level” to reoffend](#) by disrupting employment and other supportive factors.

Two amendments significantly could improve the bill:

- 1) The bill could add the requirement that **pretrial risk assessments must be “racially-neutral.”** Unintended discrimination can result if a risk assessment algorithm fails to take into account local demographics, arrest and sentencing patterns. But, at least two nationally-recognized risk-assessment tools—available at without commercial costs—have been studied and shown to avoid this pitfall, being racially-neutral. These are the [Public Safety Assessment \(PSA\) and the Virginia - Pretrial Risk Assessment \(V-PRA\)](#).
- 2) If validation expense for particular counties is a barrier, the bill could direct that the Governor's Office for Crime Control and Prevention (GOCCP) could act as a central contractor to obtain **race-neutral validation of risk-assessments that are compiled regionally for more than one county.** For example, Eastern Shore and Western Maryland counties likely could be share one instrument; suburban counties could share another.

For all these reasons, Maryland Alliance for Justice Reform urges a favorable report on HB 49 / SB 68.

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*NOTE: Phil Caroom joins this testimony on behalf of the Maryland Alliance for Justice Reform executive committee and not on behalf of the Maryland Judiciary.*