

SUPPORT SB 23 & SB 229 – PRETRIAL SERVICES

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



Testimony of Phil Caroom

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Maryland Alliance for Justice Reform supports both SB23—as to operation of pretrial programs-- and SB 229 –as to funding of pretrial programs--for their efforts to eliminate fees charged by some counties for citizens’ participation in pretrial release supervision programs. Three factors should persuade the committee to support such programs: Constitutional, fiscal and public safety.

Constitutional concerns: Poor citizens should not be held in pretrial detention just because they afford pretrial release fees any more than they should be held in detention because they cannot pay a bail bond that more affluent citizens could pay. The Supreme Court has ruled that “*Liberty is the norm, and detention prior to trial or without trial is the carefully limited exception... [The government may hold those who] pose a threat to the safety of individuals or to the community which no condition of release can dispel*” and those found likely to flee. Because inability to pay a small pretrial detention supervision fees do not “pose a threat” or show likelihood of flight, Maryland counties that rely on user-fees for pretrial supervision may be seen to violate their citizens’ constitutional rights.

Taxpayers’ concerns: The failure to maintain such programs for the benefit of citizens is penny-wise and pound-foolish. Maryland pretrial detention costs to our counties, according to recent years’ estimate, range from \$83-\$153 per-inmate per-day. By comparison, pretrial assessment & supervision programs cost approximately \$2.50 per person per day. By themselves, these

Public safety: Studies show that “failure to appear” rates for those with pretrial supervision equals those of our traditional bail systems. With nondiscriminatory pretrial risk assessments, those “high risk” to reoffend may be kept in pretrial detention and those “low or moderate” may be released safely with appropriate supervision conditions.

For all these reasons, Maryland Alliance for Justice Reform strongly supports both SB 23 and SB 229.

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Please note: This testimony is offered for Md. Alliance for Justice Reform (www.ma4jr.org), not for the Md. Judiciary.