

TESTIMONY in favor of SB 898
Conditions of Pretrial Release - Home Detention Monitoring

TO: Chair Smith, Vice Chair Waldstreicher, members of the Judicial Proceedings Committee
FROM: Iman Freeman on behalf of Baltimore Action Legal Team

My name is Iman Freeman and I am the Executive Director of Baltimore Action Legal Team (BALT). I submit this testimony in favor of Senate Bill 898.

Between March 1st, 2020 and January 1st, 2021 BALT has paid close to \$160,000 to two private home detention companies in the Baltimore area. To support the Baltimore City Office of the Public Defender's efforts to remove as many of their clients as possible from the harm of contracting COVID-19 in Baltimore detention centers we took on clients who could not afford to cover the cost of court ordered home detention monitoring. If BALT had not raised these funds, 131 Baltimore residents awaiting trial would have remained in COVID infested facilities, awaiting their day in court and exposed to the Coronavirus.

It should also be noted, BALT was able to negotiate a reduced rate of \$10 per day and eliminate all "hook up" fees for each client they support. All other pretrial clients of these companies pay between \$11 and \$20 per day, and \$200+ in "hook up" fees. These incidental fees include things like urine analysis for alcohol and drugs, which considering these clients have been detained in jail for three or more days prior to testing seems confusing at best, and in reality like a legal way for private companies to price gouge individuals desperate to get home to their families.

Ultimately, the most egregious issue with home detention monitoring goes beyond whether these costs are reasonable, these costs are unconstitutional. The Supreme Court in *Nelson v. Colorado* affirmed that the presumption of innocence protects a defendant from having to pay fines and fees. Once a person's case is dismissed in Maryland, much like how 80% of cases charged as a 2nd degree assault in Baltimore City District Court are dismissed, that person is simply out hundreds of dollars with no remuneration from the state. Currently, with indefinite court closures postponing trial for a year or more, a person could potentially spend over \$4,000 in these fees. We hope that one day Maryland law will reflect that no person should have to pay to be monitored by the state. At this time we ask that at least our most marginalized community members be given the protections of our founding principles and urge a favorable report on SB898 from this committee.