

HB1125-JPR-FAV.pdf

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BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB1125

March 25, 2025

TO: Members of the Senate Judicial Proceedings Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: House Bill 1125 - Workgroup on Home Detention Monitoring - Report
Alterations and Data Collection

POSITION: SUPPORT

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** House Bill (HB) 1125.

HB 1125 expands the elements that the Workgroup on Home Detention Monitoring is required to study and provide recommendations for. These additional elements include a required annual report to be provided to the Department of Public Safety and Correctional Services including certain data related to the individuals placed on home detention, number of times individuals violated the conditions of home detention monitoring, the number of times violations were reported to law enforcement, and the number of times violations were reported to the judiciary. HB 1125 also requires that the workgroup provide additional recommendations concerning the policies and practices that apply when an individual violates a condition of home detention monitoring and the responses of the Department of Public Safety and Correctional Services and Home Monitoring agencies when a person violates the condition of home detention monitoring.

Last year the Maryland General Assembly passed both SB1095 and SB468 which reinstated the Workgroup on Home Detention Monitoring and provided more strict parameters for individuals on private home detention respectively. HB 1125 is necessary as home monitoring varies across the State of Maryland. Only some of the counties outsource electronic home monitoring to private contractors. A violation of home monitoring can result in criminal charges, incarceration and other consequences. This workgroup will gather important data on what happens when individuals violate home monitoring. This information is necessary to ensure the programs are being run effectively and equitably.

For the above stated reasons, the BCA respectfully request a **favorable** report on HB 1125.

HB 1125 Workgroup Home Detention Monitoring Inform

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INFORMATIONAL TESTIMONY REGARDING OF HOUSE BILL 1125

Workgroup on Home Detention Monitoring – Report Alterations and Data Collection

TO: Members of the Senate Judicial Proceedings Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law; The Criminal Defense and Advocacy Clinic, University of Baltimore School of Law

DATE: March 21, 2025

The University of Baltimore School of Law’s Center for Criminal Justice Reform (the “Center”) is dedicated to supporting community driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. The Criminal Defense and Advocacy Clinic (the “Clinic”) provides students with an opportunity to directly represent individuals charged with criminal offenses and develop a broad perspective on systemic issues in the criminal legal system. As we testified last session, we strongly support the need for the Home Monitoring Workgroup, established last year, and wish to offer additional context and experience to inform the relevant committees’ work on House Bill 1125.

Though we continue to support the need for this important work, we are concerned that the scope of the Workgroup’s current mandate, as written, misunderstands the relationship between the courts, detention monitoring entities, and Marylanders subject to their jurisdiction.

House Bill 1125 erroneously assumes that home detention monitoring entities appropriately determine when individuals have violated the terms of their electronic monitoring. In fact, the companies’ duty is simply to notify the court if they believe the person has failed to abide with the court-ordered conditions. The court decides if there has, in fact, been a violation. In some instances, a hearing before a judge will establish that no violation has occurred—for example, if there was an equipment malfunction or a misunderstanding.

By way of illustration, the Clinic represented a client in Baltimore in 2024 who was subject to pre-trial home detention monitoring by a private company. The client had been complying with the numerous conditions of his release when the company notified him that it would be informing the court of non-compliance. The client denied non-compliance, so his student attorneys pressed the company to investigate further. Ultimately, the company discovered the alleged non-compliance was due to a system malfunction—it erroneously showed that the client was in the middle of a river at 11pm. If the electronic monitoring company had been in a position to “violate” the client, or act without oversight, he could have been jailed, lost his employment and housing, in addition to being subject to many other severe collateral consequences of pre-trial incarceration. The committee should consider amending section (h) to accurately reflect the process and roles of the courts and companies.

Furthermore, the committee should consider gaps in the Workgroup's mandate of areas to study and its recommendations. We also recommend that the bill task the Workgroup with studying costs and benefits of whether home monitoring should be provided and paid for by the State and whether allowing private companies, driven by profits, to take on this important role is sound public policy. A growing body of scholarship has been exploring and documenting certain risks and unintended consequences of this structure, and the landscape of home detention monitoring as a whole.¹ Other appropriate additions may include, studying positive factors such as the dollar amount of state funds saved by the use of home detention, the number of individuals released on home detention who complied with the court requirements through case resolution, the number of individuals who retained employment while their case was pending, and the extent to which home detention is overrelied upon.

Finally, we reiterate our concerns from last year concerning the composition of the Workgroup. Specifically, the Workgroup continues to lack perspective from directly impacted people who have been on pre-trial home monitoring. Further, we maintain our objection to conferring voting rights on the representative member from the private home detention monitoring company. While we support the inclusion of their perspective, private businesses with a financial stake in the outcome should not be allowed to vote on the workgroup's policy recommendations.

We welcome the opportunity to further discuss this bill with you, your office, or other interested members of the General Assembly. Thank you for your work on this important issue.

¹ See e.g., <https://lpeproject.org/blog/carceral-surveillance-and-the-dangers-of-better-than-incarceration-reasoning/>

HB 1125 crossover - home detention monitoring work

Uploaded by: Melissa Rothstein

Position: INFO



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

HANNIBAL KEMERER
CHIEF OF STAFF

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: HB1125 Workgroup on Home Detention Monitoring - Report Alterations and Data Collection

FROM: Maryland Office of the Public Defender

POSITION: Informational

DATE: 3/20/2025

The Maryland Office of the Public Defender (OPD) provides this information to address the gaps in information relating to home detention monitoring, and the importance of a holistic view of alternatives to incarceration.

OPD has always supported greater data collection and analysis of pretrial mechanisms, including home detention. We supported the creation of a workgroup to study home detention monitoring when it was first established in 2021 and its reauthorization in 2024. The initial workgroup never convened. The reauthorization came in the aftermath of the Judiciary's initial funding for the home detention program running out, without any clear sustainability plan established.

The purpose of the workgroup in both 2021 and 2024 was to examine and provide recommendations related to the costs and availability of public and private home detention monitoring systems and to provide recommendations. HB 1125 seeks to expand the workgroup's focus to include policies and practices relating to when a person violates home detention and the responses provided by the Department of Public Safety and Correctional Services and the private monitoring companies when someone absconds or otherwise violates their home detention. It also would require DPSCS to collect and report annually on data related to the number of people on home detention, the number who violate home detention, and the number of times judges and/or law enforcement was notified of a violation.

The focus on violations for policy analysis and data collection – before the workgroup has issued a single report on the purpose, value, and sustainability of these services – presumes that home monitoring has not been a successful effort to reduce unnecessary and inappropriate pretrial incarceration, particularly as an alternative to potentially cost prohibitive money bail. It also ignores other issues related to detention that would be equally enlightening and relevant for the effectiveness and sustainability of the program. This should include studying positive factors, such as the dollar amount of state funds saved by the use of home detention instead of the more costly incarceration and the number of individuals released on home detention who complied with the court requirements through case resolution; and the number of individuals who retained employment while their case was pending.

The workgroup should also assess the extent to which home detention is overrelied upon. Studies show that [excessive monitoring of individuals who are a low risk can have negative outcomes, most notably creating technical violations that result in a revocation of release without any new offense](#). The workgroup should examine the number of people on home detention who were deemed to be a low risk under the risk assessment tool used by the local jurisdiction.

Finally, while the additional data collection includes the number of people on home detention and the number of who violate home detention, aggregated by race and other factors, the workgroup's charge should more explicitly include identifying and proposing recommendations to reduce the racial disparities at this critical juncture in the criminal case. [Black individuals are more likely to be subject to monitoring as a condition of release than their white counterparts](#). The workgroup should make recommendations to ensure that monitoring is targeted to those who require it, in a manner that is equitable regardless of race, income, and geography; is limited to people who truly require it; and is cost efficient with a steady stream of needed resources.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

**Authored by: Melissa Rothstein, Chief of External Affairs,
melissa.rothstein@maryland.gov, 410-767-9853.**