

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 46. My name is Lindsay Keipper, and I am a barred attorney who has worked in the criminal justice system in Baltimore City for 13 years. I am testifying **in support of Senate Bill 23**.



Senate Bill 23 will eliminate GPS monitoring fees for low-income detainees in home detention. This will ensure people are not kept in prison, purely because they are poor.

I've had a lot of opportunities to see first-hand the way that the pretrial release system does- and doesn't- work. While the goal of judges in deciding pretrial release is to keep the community safe and to ensure individuals are treated fairly, for a variety of reasons the end result is often extremely hard on people who lack money and other resources. In 2017 the Maryland Court of Appeals instituted rule changes designed to significantly reduce our courts' reliance on cash bail, which has been to the benefit of indigent people, but the pandemic has revealed what a large problem remains in the form of private home detention.

Amid the Covid-19 pandemic, and the difficulties jails and prisons continue to have keeping inmates safe from infection, courts over the past 10 months have reevaluated their attitudes about who needs to be detained, and ways in which the community can be protected through monitoring people on pretrial release rather than keeping them locked in jail. A good number of people who might previously have been held without bail have been released subject to home detention. This is great because it lets people avoid the dangerous jail conditions, reduces crowding in these facilities (a major covid risk factor), and allows people who have not yet been convicted of a crime to maintain their housing, jobs, and families during the (increasingly long, given the pandemic) wait for trial.

Unfortunately, little availability exists for state-funded home detention; spots are scarce, going through the process takes ages, and people are barred from eligibility for a large number of charged crimes. The bulk of these people rely on the private home detention industry when a judge is willing to allow them to be released subject to home detention. Home detention and electronic monitoring cost \$11–17 per day, which can add up to over \$500 per month, as the Baltimore Sun reported in August. (<https://www.baltimoresun.com/coronavirus/bs-md-ci-cr-home-detention-coronavirus-20200828-aqhndiaereorga6246jjnywqe-story.html>). A large percentage of Maryland residents charged with crimes are poor, and coming up with an additional \$400-500 a month for home detention is flatly impossible for a lot of people, especially for the length of time it can extend. March 16th will mark one year since all jury trials (and most other trials) halted in the state, and even if they resume as planned (April 26th, 2021 per Chief Judge Barbera's latest order), it will be at a much decreased pace than before Covid, with a much greater backlog. This problem is not going to lessen for individuals and families involved in the system anytime soon.

The intention of increased home detention was and is to let more people go home pending trial with some guarantees that the court will know immediately if and when they go out of bounds or otherwise violate the terms of their release. But the effect of this change has been to once again make the ability to be released from jail while pending trial a function of how much money an accused person has. Even once released, failure to keep up payments with the private home detention company will result in the company's report to the court that they refuse to provide further service, and the person's subsequent return to jail. This is simply unfair.

By waiving fees for indigent persons, and requiring the state to pay those fees on behalf of those persons, you can ensure that wealth is truly not a factor in deciding whether someone is released prior to trial when a judge has decided it is safe for them to be monitored at home. While \$11-17 per day is an enormous burden for most working people, it is a cost the state can easily bear- especially when you consider that it costs Maryland \$83-153 for pretrial detention in a

locked facility. (Data from the 2014 final report of the Governor's Commission to Reform Maryland's Pretrial System-
<http://goccp.maryland.gov/pretrial/documents/2014-pretrial-commission-final-report.pdf> page 12)

It is for these reasons that I am encouraging you to vote in support of **Senate Bill 23**.

Thank you for your time, service, and consideration.

Sincerely,

Lindsay Keipper

2425 Fleet St.

Baltimore, MD 21224

Showing Up for Racial Justice Baltimore