

# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*

## **TESTIMONY IN OPPOSITION OF SENATE BILL 229:**

Public Safety – Pretrial Services Program Grant Fund – Extension and Program Requirements

**TO:** Hon. Chair William Smith, and Members of the Senate Judicial Proceedings Committee

**FROM:** Caryn York, CEO

**DATE:** February 3, 2021

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-wage workers and job seekers in Maryland. In support of our advocacy, we also seek to eliminate discriminatory barriers to meaningful opportunities to vulnerable populations. We oppose Senate Bill 229 specifically due to language regarding use of “race neutral” risk assessment tools.

When an individual is arrested and/or incarcerated, they can find themselves paying multiple fines and fees and financially indebted to various institutions during the pretrial, sentencing, incarceration, and post-conviction phases. These include fees for probation and parole, home detention, jail room and board, public defenders, work release, expungement, and much more. These fees further punish and impoverish indigent populations and have created an exuberant financial burden on Marylanders, particularly indigent individuals.

The Due Process Clause of the Fifth Amendment, incorporated to the States through the Fourteenth Amendment provides that no individual should be deprived off life, liberty or property without DUE PROCESS of the law. Yet every day, innocent pretrial individuals are charged overwhelming expenses during the pretrial phase, resulting in a criminalization of poverty, and by default, race. Further, it creates a parasitic, capitalist power dynamic, whereby the financial stability of the state rests solely on the backs of the poor, and too often poor Black and Brown communities. To use the city of Ferguson as an example, in 2015, the Department of Justice reported that the revenue generated from the collection of criminal justice fines and fees made up \$3.09 million out of total of \$11.07 million in general revenue funds. The practice of funding an entire city on the backs of individuals that have not been convicted of a crime is not only morally repugnant but is also an unconstitutional State practice that violates the Fourteenth Amendment.

SB 229 seeks to provide a Pretrial Grant Fund for jurisdictions that offer pretrial services for individuals. It, however, still falls beneath Constitutional muster as it does not mandate that independent counties provide pretrial services to pretrial individuals. Merely incentivizing jurisdictions to offer pretrial services to individuals– still places the ultimate financial onus on individuals. Which in turn, still results in a criminalization of poverty.

# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*

Furthermore, the legislation explicitly requires jurisdictions to use “race-neutral” risk assessments in order to be eligible to receive funds from the Grant Fund. The very term “race-neutral risk assessment” is oxymoronic and ignores the historical deployment of risk assessments. In fact, the creation of risk assessment was implemented for the very purposes of creating an unforgiving power dynamic within a racially-polarizing criminal justice system – whereby we disproportionately punish people of color.

By merely placing the term “race-neutral” at the beginning of a racially discriminatory practice does not dissolve a practice of its discriminatory impact to communities of color. In fact, it further obscures the violent nature of “risk assessment” tools. As such, Senate Bill 229 requires jurisdictions to participate in this racially discriminatory practice, incentivizes discrimination.

JOTF is committed to opposing any legislation that seeks to criminalize poverty and race, and creates barriers for individuals to obtain meaningful opportunities. While we appreciate the intent of the bill sponsor, we believe that Senate Bill 229, as currently drafted, serves to sustain the criminalization of poverty and race in Maryland. For these reasons, we respectfully urge an unfavorable report of Senate Bill 229.