

SB 23_FAV_ACLUMD_ANSAH.pdf

Uploaded by: Ansah, Samuela

Position: FAV



Testimony for the Senate Judicial Proceedings Committee
February 3, 2021

SB 23 – Conditions of Pretrial Release - Home Detention Monitoring

FAVORABLE

SAMUELA ANSAH
PUBLIC POLICY INTERN

The ACLU of Maryland supports SB 23. This bill will require the State to pay a private home detention monitoring agency (PHDMA) for the monitoring fees or device-related costs incurred by a pretrial defendant who qualifies as an indigent under §16-210 of the Criminal Procedure Article (eligibility for representation by the Office of the Public Defender (OPD)). This bill will render qualified defendants placed under private home detention exempt from paying monitoring fees assessed by a PHDMA directly to the agency. Additionally, the bill authorizes the Pretrial Services Program Grant Fund to cover these costs and fees.

Because most of those involved in the criminal justice system are indigent, the bill will prevent indigent people from accumulating mountains of debt that they have little possibility of repaying. This debt not only interferes with effective reentry and rehabilitation but also interferes with other financial obligations that society has strong interests in seeing met, like child support and victim restitution. The U.S. Department of Justice urges governments to eliminate such fees precisely because they interfere with important societal financial obligations like child support and victim restitution.¹ For these reasons, the bill should receive a favorable report.²

The financial penalties imposed, directly or indirectly, as a result of a criminal conviction, are among the least considered or analyzed of the collateral consequences. Driven by a combination of philosophical purposes – punishment, reparation, cost recovery, revenue production, and cost-shifting – local

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¹ See Policy Statement #5: “Make certain that new fines, fees, and surcharges do not reduce the ability of people returning from prisons and jails to pay child support and restitution.” From Repaying Debts, U.S. Department of Justice, Bureau of Justice Assistance and the Council of State Governments Justice Center, 2007.

² See generally Alan Rosenthal & Marsha Weissman, “Justice Strategies, Sentencing for Dollars: The Financial Consequences of a Criminal Conviction” (Feb. 2007), available at <http://www.communityalternatives.org/pdfs/financial%20consequences.pdf> (documenting growing use of financial penalties in New York) (last visited February 14, 2010); Rachel L. McLean & Michael D. Thompson, Council of State Governments Justice Center, “Repaying Debts” (Working Paper, 2007), available at http://tools.reentrypolicy.org/repaying_debts/ (making policy recommendations to rationalize the collection of debts from the formerly incarcerated) (last visited February 14, 2010); Rhode Island Family Life Center, Court Debt and Related Incarceration in Rhode Island from 2005 through 2007, at 4 (Apr. 2008), available at <http://www.ri-familylifecenter.org/pagetool/reports/CourtDebt.pdf>. (analyzing the cost of Rhode Island’s incarceration of individuals for court debt, finding that in 13% of cases the incarcerations cost the state more than the amount owed by the individuals); David Weisburd et. al., *The Miracle of the Cells: An Experimental Study of Interventions to Increase Payment of Court-Ordered Financial Obligations*, 7 Criminology & Pub. Pol’y 9 (2008) (studying the effect of an increased threat of possible incarceration on the collection of fees from New Jersey probationers).

For an earlier study on the reform of a financial penalty system in one Arizona county, see Susan Turner & Judith Greene, *The FARE Probation Experiment: Implementation and Outcomes of Day Fines for Felony Offenders in Maricopa County*, 21 Just. Sys. J. 1 (1999-2000).

governments, states, and the federal government have come to impose a vast array of fines, fees, costs, penalties, surcharges, forfeitures, assessments, reimbursements, and restitutions that are levied against people convicted of criminal offenses. Currently, these financial penalties are created and imposed in a vacuum with each new fee viewed as a solitary cost. The cumulative impact of piling on each new financial penalty is ignored and the roadblocks to reintegration are often unrecognized. When viewed in isolation, these penalties may appear to be a good source of revenue and a way to shift costs from the “taxpayer” to the “offender.” Financial sanctions may also give the appearance of being “tough on crime.” However, these penalties look quite different when considered in their totality and the context of their impact on the person convicted and his or her family.³

Over the past decade, we have become increasingly aware of the challenges faced by people reentering the community from prison and the challenges faced by communities and families receiving formerly incarcerated people. We know that the numbers of people returning home are staggering and we also know that the challenges they face are daunting and include poverty, health and mental health problems, lack of education and employment experiences, and collateral consequences that impede access to jobs and education. The hurdles to reintegration caused by the financial consequences of criminal convictions are among the least recognized but may have some of the most far-reaching impacts as these debts become civil liabilities, and are entered onto credit records that are increasingly accessible to employers.

Currently, pretrial defendants most likely are not charged monitoring fees for electronic monitoring devices by local jurisdictions or DPSCS. This bill targets the most vulnerable, the indigent, who cannot afford to be charged fees for monitoring devices. As such, there is no anticipated material impact on local and state finances.⁴ Additionally, incarceration costs are expected to decrease as defendants are placed on pretrial detention as opposed to local detention facilities.

Authorizing the Pretrial Services Program Grant Fund to pay monitoring fees and costs to PHDMA’s on the behalf of indigent defendants we are removing debt, an obstacle to employment, housing, and education, and the ability to fulfill other social obligations like child support and victim restitution. These measures help make reentry into the community a financial reality for indigent defendants and their families.

This bill helps remedy these ills. For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 23.

³ This discussion is drawn largely from Alan Rosenthal & Marsha Weissman, “Justice Strategies, Sentencing for Dollars: The Financial Consequences of a Criminal Conviction” (Feb. 2007), “Executive Summary,” available at <http://www.communityalternatives.org/pdfs/financial%20consequences.pdf> (last visited February 14, 2010).

⁴ Conditions of Pretrial Release – Home Detention Monitoring, Fiscal and Policy Note (2021)

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LIBERTIES UNION OF
MARYLAND

SUPPORT SB 23 and 229.pdf

Uploaded by: Caroom, Philip

Position: FAV

SUPPORT SB 23 & SB 229 – PRETRIAL SERVICES



Testimony of Phil Caroom

February 3, 2021

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.

BaltimoreCounty_FAV_SB0023.pdf

Uploaded by: Conner, Charles

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

CHARLES R. CONNER III, ESQ.
Director of Government Affairs

JOEL N. BELLER
Deputy Director of Government Affairs

BILL NO.: **SB 23**

TITLE: Conditions of Pretrial Release - Home Detention Monitoring

SPONSOR: Senator Hettleman

COMMITTEE: Judicial Proceedings

POSITION: **SUPPORT**

DATE: February 3, 2021

Baltimore County **SUPPORTS** Senate Bill 23 – Conditions of Pretrial Release - Home Detention Monitoring. This legislation would eliminate monitoring fees for defendants in private home detention who qualify as indigent individuals.

When Baltimore County eliminated local monitoring fees earlier this month, it was in response to the financial burden the pandemic has placed on residents. Burdensome monitoring fees can be crippling for low-income residents as is, and only compounds with financial setbacks and rising unemployment being felt across the country.

Eliminating these fees is also a question of fairness. Home monitoring fees are imposed on defendants who have not yet been convicted of a crime. In its current form, the policy imposes a financial penalty on individuals who are awaiting adjudication of non-violent crime charges. Residents need to be able to support themselves and their families without fear of being punished for simply being accused of a crime.

By eliminating defendants who qualify as indigent individuals from home monitoring fees, this legislation would ensure that the State does not take money from those residents who need it the most. No one should suffer additional financial burdens during this time of need.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 23. For more information, please contact Chuck Conner, Director of Government Affairs, at cconner@baltimorecountymd.gov.

SB 23 - Eliminate Fees for GPS Monitors for Low-In

Uploaded by: Dwyer, Maura

Position: FAV

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 **40**. 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.

It is a basic principle of our American legal system that no person should be kept in a jail cell merely because they cannot afford a monetary payment. Yet that is exactly what is happening every day throughout the state of Maryland. When a person is arrested and accused of a criminal offense, a judge decides whether to release or detain the person and, if the judge releases the person, what conditions to impose. As COVID-19 has spread like wildfire through jails and prisons, judges have increasingly opted for home detention and electronic monitoring. This allows a person to stay out of jail, while imposing other serious constraints on the person's liberty and movement.

But home detention and electronic monitoring come at a steep price: \$11–17 per day, which can add up to *over \$500 per month*, as the [Baltimore Sun reported in August](#). These payments are prohibitive for most Maryland residents caught in the criminal legal system. In fact, a [recent study by the Federal Reserve](#) found that 40% of Americans don't have enough cash to cover a \$400 emergency cost. And the vast majority of people accused of crimes — well over 40% — are poor.

So it should come as no surprise that many people who a judge concludes can be safely released to home detention can't afford the cost of monitoring. Often, judges will refuse to release people who cannot pay. Some people who manage to get released must borrow money from family and friends — many of whom are also struggling in the midst of a pandemic where unemployment has skyrocketed — to pay the fees so they can remain free. Because jury trials have been canceled until April 26, 2021, releasing someone on home detention requires them to continue making astronomical payments for an indefinite period of time. All the while, the private companies who "supervise" people on home detention are profiting off of some of the poorest residents in Maryland. And those who cannot scrape together enough money are sent back to jail when they miss payments.

This is not justice.

The State of Maryland should eliminate fees for anyone who is indigent so that our legal system's commitment to "equal justice for all" is more than just a slogan. No one should be kept in a jail cell in the state of Maryland — unable to hug their children, at risk of losing their job and missing rent payments, and at heightened risk for contracting the deadly COVID-19 virus — just because they don't have enough cash to be free.

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,

Maura Dwyer

3908 Falls Rd

Baltimore MD 21211

Showing Up for Racial Justice Baltimore

SB 23 - Eliminate Fees for GPS Monitors for Low-In

Uploaded by: Fertig, Benjamin

Position: FAV

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 11. I am also a member of the Congregation Beth Am Social Action Committee. 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.

It is a basic principle of our American legal system that no person should be kept in a jail cell merely because they cannot afford a monetary payment. Yet that is exactly what is happening every day throughout the state of Maryland. When a person is arrested and accused of a criminal offense, a judge decides whether to release or detain the person and, if the judge releases the person, what conditions to impose. As COVID-19 has spread like wildfire through jails and prisons, judges have increasingly opted for home detention and electronic monitoring. This allows a person to stay out of jail, while imposing other serious constraints on the person's liberty and movement.

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So it should come as no surprise that many people who a judge concludes can be safely released to home detention can't afford the cost of monitoring. Often, judges will refuse to release people who cannot pay. Some people who manage to get released must borrow money from family and friends — many of whom are also struggling in the midst of a pandemic where unemployment has skyrocketed — to pay the fees so they can remain free. Because jury trials have been canceled until April 26, 2021, releasing someone on home detention requires them to continue making astronomical payments for an indefinite period of time. All the while, the private companies who "supervise" people on home detention are profiting off of some of the poorest residents in Maryland. And those who cannot scrape together enough money are sent back to jail when they miss payments.

This is not justice.

The State of Maryland should eliminate fees for anyone who is indigent so that our legal system's commitment to "equal justice for all" is more than just a slogan. No one should be kept in a jail cell in the state of Maryland — unable to hug their children, at risk of losing their job and missing rent payments, and at heightened risk for contracting the deadly COVID-19 virus — just because they don't have enough cash to be free.

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,

Benjamin Fertig

2722 Quarry Heights Way, Baltimore, MD 21209

Showing Up for Racial Justice Baltimore

Balt Testimony_2021_SB23.pdf

Uploaded by: Freeman, Iman

Position: FAV

TESTIMONY in favor of SB 23
Conditions of Pretrial Release - Home Detention Monitoring

TO: Chair Smith, Vice Chair Waldstreicher, and 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 23.

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 SB23 from this committee.

SB 23 - Eliminate Fees for GPS Monitors for Low-In

Uploaded by: Hauck, Barbara

Position: FAV

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 43. I am also a longtime member of Baltimore's vibrant theatre community, and the Artistic Director at the Fells Point Corner Theatre. 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.

It is a basic principle of our American legal system that no person should be kept in a jail cell merely because they cannot afford a monetary payment. Yet that is exactly what is happening every day throughout the state of Maryland. When a person is arrested and accused of a criminal offense, a judge decides whether to release or detain the person and, if the judge releases the person, what conditions to impose. As COVID-19 has spread like wildfire through jails and prisons, judges have increasingly opted for home detention and electronic monitoring. This allows a person to stay out of jail, while imposing other serious constraints on the person's liberty and movement.

But home detention and electronic monitoring come at a steep price: \$11–17 per day, which can add up to *over \$500 per month*, as the [Baltimore Sun reported in August](#). These payments are prohibitive for most Maryland residents caught in the criminal legal system. In fact, a [recent study by the Federal Reserve](#) found that 40% of Americans don't have enough cash to cover a \$400 emergency cost. And the vast majority of people accused of crimes — well over 40% — are poor.

So it should come as no surprise that many people who a judge concludes can be safely released to home detention can't afford the cost of monitoring. Often, judges will refuse to release people who cannot pay. Some people who manage to get released must borrow money from family and friends — many of whom are also struggling in the midst of a pandemic where unemployment has skyrocketed — to pay the fees so they can remain free. Because jury trials have been canceled until April 26, 2021, releasing someone on home detention requires them to continue making astronomical payments for an indefinite period of time. All the while, the private companies who "supervise" people on home detention are profiting off of some of the poorest residents in Maryland. And those who cannot scrape together enough money are sent back to jail when they miss payments.

This is not justice.

The State of Maryland should eliminate fees for anyone who is indigent so that our legal system's commitment to "equal justice for all" is more than just a slogan. No one should be kept in a jail cell in the state of Maryland — unable to hug their children, at risk of losing their job and missing rent payments, and at heightened risk for contracting the deadly COVID-19 virus — just because they don't have enough cash to be free.

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,
Barbara Hauck (she/her)
3420 Harford Road
Baltimore, MD 21218
Showing Up for Racial Justice Baltimore

SB23_FAV_Hettleman.pdf

Uploaded by: Hettleman, Shelly

Position: FAV



The Senate of Maryland
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB 23 – CONDITIONS OF PRETRIAL RELEASE - HOME DETENTION MONITORING

This bill seeks to remove unjust financial obligations from those who are presumed innocent and awaiting trials and who are deemed unable to pay by the Office of the Public Defender. In an effort to reduce the number of people incarcerated and the reliance on cash bail for release, some defendants are released to home detention and required to wear GPS monitoring devices. The COVID 19 pandemic has also increased the use of pre-trial home detention in an effort to limit the risk of spread among prison populations.

Those charged with, but not convicted of, a crime should not bear the financial burden of their monitoring. This puts low-income defendants in an impossible situation. While they await trial - often with lengthy delays - home detention could likely mean they are unable to earn a wage. Requiring them to pay for their monitoring may put them in debt and force them to choose between paying for essentials such as rent, childcare, groceries, and healthcare and paying to remain outside of jail. This bill is an extension of an effort to end the wealth-based pretrial detention system that is criminalizing poverty.

In Baltimore County, the home monitoring fee was eliminated last month. In fiscal year 2020, more than \$118,000 in fees were collected- up 30% over the previous year. This could be attributed, in part, to pandemic-related court delays.¹ And while coronavirus has provided a greater incentive for judges to order home monitoring, it has also underscored the financial burden of these fees.

If monitoring fees are not paid, the defendant is in violation of pretrial detention and could be jailed. This is an equal protection issue that preys predominately on people of color. Two thirds of pretrial detention cases result in dropped charges or no conviction. It is inappropriate and unjust to pass these costs to people who are supposed to be presumed innocent.

¹ Knezevich, A. (2021, January 04). Baltimore County eliminates fees for people on home detention. Retrieved February 01, 2021, from <https://www.baltimoresun.com/maryland/baltimore-county/bs-md-co-home-detention-fees-20210104-enkpp3xuvndvnlyrrxu2t7swe-story.html>

I have offered an amendment that would change the date from October 1 to July 1. It is critical that this legislation be enacted as quickly as possible to give relief to innocent people awaiting trial who struggle with the devastating impacts of COVID and resulting court delays. Expensive home monitoring fees create unnecessary impediments, and the elimination of home monitoring fees will better allow people to support themselves and their families. For these reasons, I ask for your support of SB23.

SB023_FAV_Travon Johnson.pdf

Uploaded by: Johnson, Travon

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SENATE BILL 23:

Conditions of Pretrial Release - Home Detention Monitoring

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

FROM: Travon Johnson

DATE: February 3, 2021

Good afternoon, my name is Travon Johnson and I was invited here by the Job Opportunities Task Force to speak in favor of Senate Bill 23. Last month, after a misunderstanding between me and my significant other, I found myself picked by the police. Even though my girlfriend moved to drop the charges three days later, I was stuck in jail and offered by the judge during my bail review, the option of Home Detention with GPS Monitoring a.k.a the box. Anyone will tell you that jail is an extremely unpleasant place- especially during the Coronavirus Pandemic- so when the judge offered me the chance to wait for my trial at home or in an unsanitized cell, I chose to go home.

What was not explained properly to me at the time, was how much going home would cost me financially. ASAP Home Detention, the company that demands payment to use their ankle bracelets, charged me **\$240 upfront** and told me, after much debate, that I would have to pay a minimum of \$70 every week or risk reincarceration. This was extremely unsettling for me, as I knew, undoubtedly, that I didn't have the money. I was anguished by the fact that the judge had not told me about this and in my recollection, this electronic monitoring service used to be free. It made no sense to me that during a pandemic when people are home and there is evidence of more domestic altercations because of economic stresses in people's lives, that the state would charge people **\$280 a month** to stay home.

I explained to ASAP my concerns and bewilderment at the costs- to which I was excoriated and threatened by the staff to sign on to the paperwork. They repeatedly stated that if I did not sign up for these expensive services at that moment, that I would go back to jail. When I asked them to explain the complexities of the documents to me, they repeatedly refused. You must understand- my freedom was at stake- and it is both traumatic and bewildering to strong-arm someone into signing documents they don't fully understand, charge them excessive fees for service, and then threaten/bully them with incarceration until they do so.

I worked out a deal with my lawyer who split the upfront cost of \$240 with me but I shouldn't have had to. That the cost for hook up and the following **\$280 per month** even exist is a serious problem in Baltimore. It has come to my attention that there are no electronic monitoring costs in Montgomery County and I firmly believe that the entire state should follow suit- especially for people who don't have the money to buy their freedom. No one should risk going to jail because they can't afford 'freedom fees.' Senate Bill 23 will go a long way towards fixing this issue for myself and the hundreds of others in the struggle right now. For these reasons, I urge a favorable report.

2021-02-03 SB 23 (Support).pdf

Uploaded by: Jung, Roy

Position: FAV

BRIAN E. FROSH
Attorney General



ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.
410-576-6584

February 3, 2021

TO: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: The Office of the Attorney General

RE: SB 23 – Conditions of Pretrial Release - Home Detention Monitoring– **Letter of Support**

The Office of the Attorney General urges the Judicial Proceedings to favorably report Senate Bill 23. Senator Hettleman's legislation prevents the government from charging indigent defendants for their private home detention monitoring costs and, instead, permits eligible counties to cover home detention monitoring costs with grant funding obtained from the Pretrial Services Program Grant Fund.

Just as the Attorney General supported bail reform to prevent long-term pretrial detentions of individuals merely due to their indigency, and just as he supported eliminating fee-based driver's licenses suspensions for people of limited means, he also supports the provision of pretrial services, including monitoring, free of cost to those individuals who are not yet convicted.

For all of the foregoing reasons, the Office of the Attorney General urges the Committee to favorably report Senate Bill 23.

cc: Judicial Proceedings Committee Members

SB 23 - Eliminate Fees for GPS Monitors for Low-In

Uploaded by: Keipper, Lindsay

Position: FAV

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

SB23_FAV_Dwight. Kerney.pdf

Uploaded by: Kerney, Dwight

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SENATE BILL 23:

Conditions of Pretrial Release - Home Detention Monitoring

TO: Hon. Will Smith, and Members of the Senate Judicial Committee

FROM: Dwight Kerney

DATE: February 3, 2021

My name is Dwight Kerney, and the Job Opportunities Task Force invited me to testify in favor of Senate Bill 23 to eliminate the cost of monthly home detention monitoring fees.

I am 61 years old, a lifelong resident of Baltimore City's 43rd District, and am currently experiencing the misfortune of paying obscene electronic monitoring fees that I simply cannot afford.

When my grandson was arrested, the judge offered him the option to either be put on home detention or wait in jail for months. As his guardian and in the midst of the current pandemic, I knew that having my 21-year old grandson sitting in jail would be detrimental to his physical, mental, spiritual, and psychological well being. I care about my grandson and could not let that happen to him, especially since the courts were mainly closed and I did not know when his case would be heard. Once someone is in the system, it is very difficult to escape.

In August, the court connected us with ASAP Home Detention where I was informed that I would have to pay for his electronic monitoring device. The initial hook up fee was **\$282 upfront**, which they said was prorated due to the first visit and that future payments would be twice a month. Two weeks later, I was charged \$212 for the bi-monthly payment and urinalysis costs, and told that the next payment would be the regular rate. I was also informed that if I did not pay, my grandson would immediately be at risk for future jail time.

Since September 2020, I have been paying \$364 per month (\$182 semi-monthly) to ASAP Home Detention with money that I simply do not have. Like many Americans, my wife and I have lost significant household wages since the pandemic started and we are struggling to pay our routine expenses including BGE, water, and vehicle maintenance. Worse yet, the court case continues to be postponed lengthening the overall number of necessary payments.

Senate Bill 23 will ensure that my grandson does not risk violating home detention and ending up in jail simply because the price of GPS monitoring exceeds our current monthly income. Something must be done to bring down the inflated price of GPS Monitoring for the hundreds of thousands of Marylanders struggling financially during this economic depression. For these reasons, I urge a favorable report on Senate Bill 23.

SURJ GPS Monitoring 2021 Feb 1.pdf

Uploaded by: Kleinman, Jan

Position: FAV

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 43. While I have a savings account for emergencies, many of my neighbors in Remington have far fewer resources. Indeed, some live in tents in public parks like Wyman Park Dell and along Stoney Creek. On behalf of my neighbors, and all of our community, 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.

It is a basic principle of our American legal system that no person should be kept in a jail cell merely because they cannot afford a monetary payment. Yet that is exactly what is happening every day throughout the state of Maryland. When a person is arrested and accused of a criminal offense, a judge decides whether to release or detain the person and, if the judge releases the person, what conditions to impose. As COVID-19 has spread like wildfire through jails and prisons, judges have increasingly opted for home detention and electronic monitoring. This allows a person to stay out of jail, while imposing other serious constraints on the person's liberty and movement.

But home detention and electronic monitoring come at a steep price: \$11–17 per day, which can add up to *over \$500 per month*, as the [Baltimore Sun reported in August](#). These payments are prohibitive for most Maryland residents caught in the criminal legal system. In fact, a [recent study by the Federal Reserve](#) found that 40% of Americans don't have enough cash to cover a \$400 emergency cost. And the vast majority of people accused of crimes — well over 40% — are poor.

So it should come as no surprise that many people who a judge concludes can be safely released to home detention can't afford the cost of monitoring. Often, judges will refuse to release people who cannot pay. Some people who manage to get released must borrow money from family and friends — many of whom are also struggling in the midst of a pandemic where unemployment has skyrocketed — to pay the fees so they can remain free. Because jury trials have been canceled until April 26, 2021, releasing someone on home detention requires them to continue making astronomical payments for an indefinite period of time. All the while, the private companies who "supervise" people on home detention are profiting off of some of the poorest residents in Maryland. And those who cannot scrape together enough money are sent back to jail when they miss payments.

This is not justice.

The State of Maryland should eliminate fees for anyone who is indigent so that our legal system's commitment to "equal justice for all" is more than just a slogan. No one should be kept in a jail cell in the state of Maryland — unable to hug their children, at risk of losing their job and missing rent payments, and at heightened risk for contracting the deadly COVID-19 virus — just because they don't have enough cash to be free.

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,
Jan Kleinman
2700 Remington Avenue, Apt 504
Baltimore, MD 21211
Showing Up for Racial Justice Baltimore

SB 23 - Eliminate Fees for GPS Monitors for Low-In

Uploaded by: McDonald, Ericka

Position: FAV

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 12. I am also on the Board of Directors of the League of Women Voters, Baltimore County. 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.

It is a basic principle of our American legal system that no person should be kept in a jail cell merely because they cannot afford a monetary payment. Yet that is exactly what is happening every day throughout the state of Maryland. When a person is arrested and accused of a criminal offense, a judge decides whether to release or detain the person and, if the judge releases the person, what conditions to impose. As COVID-19 has spread like wildfire through jails and prisons, judges have increasingly opted for home detention and electronic monitoring. This allows a person to stay out of jail, while imposing other serious constraints on the person's liberty and movement.

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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,

Ericka McDonald

418 Harwood Rd.
Catonsville, MD 21228
Showing Up for Racial Justice Baltimore

Testimoony SB 23 .pdf

Uploaded by: Novak, Natalie

Position: FAV

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 41. I am testifying in support of **Senate Bill 23**.



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It is a basic principle of our American legal system that no person should be kept in a jail cell merely because they cannot afford a monetary payment. Yet that is exactly what is happening every day throughout the state of Maryland. When a person is arrested and accused of a criminal offense, a judge decides whether to release or detain the person and, if the judge releases the person, what conditions to impose. As COVID-19 has spread like wildfire through jails and prisons, judges have increasingly opted for home detention and electronic monitoring. This allows a person to stay out of jail, while imposing other serious constraints on the person's liberty and movement.

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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,

Natalie Novak
1206 w. Northern Parkway, Baltimore, MD 21209

OPDStatementSB23.pdf

Uploaded by: Oppenheim, Todd

Position: FAV



POSITION ON PROPOSED LEGISLATION

BILL: SB 23 – Criminal Procedure 5-201/ Public Safety 4-1102 – Conditions of Pretrial Release- Home Detention Monitoring

POSITION: SUPPORT

DATE: February 1, 2021

The Maryland Office of the Public Defender (OPD) respectfully requests that the Committee issue a favorable report on Senate Bill 23. The OPD supports the bill.

No one awaiting trial, presumed innocent, should be incarcerated based on their financial circumstances. Period. Maryland's piecemeal pretrial home detention system, in actuality, is no system at all. Yet, it manages to keep individuals who cannot afford home detention in jail before being convicted of any crime. Many counties throughout Maryland depend on private companies to provide GPS tracking and monitoring services for individuals awaiting their court dates who are ordered by judges to be released with such restrictions. These services cost money. Some counties provide home detention services but charge fees. Simply put, if you can't afford the home detention fees, especially in the jurisdictions using private companies, you cannot be released on home detention. Worse, if you're released, and struggle to make home detention payments, you can be rearrested for violating the conditions of your release.

In 2017, the Maryland Court of Appeals promulgated landmark bail reform through the framework of its Rules of Court. The Rules, of course, carry the weight of laws in Maryland. Essentially, the Rules now disfavor the use of cash bail and guide judges towards using the "least onerous" conditions of release during bail review hearings. The Rule (4-216.1) says "preference should be given to additional conditions without financial terms." The net effect has been the overall decline in the use of cash bail as a condition of release. Consequently, the OPD finds fewer individuals stuck in jail pretrial with unattainable bails. To be clear though, bail is still legal in Maryland- it's just used less frequently.

Along with bail, pretrial supervision, stay away orders, curfews, and personal recognizance comes the possibility of release on home detention. Dorchester, Somerset, Wicomico, Worcester, Kent, Charles, Harford and Howard Counties along with Baltimore City allow pretrial home detention, but require fees. This means that a judge can order someone released either on private or public home monitoring (depending on the place), but a defendant would have to pay for it. Neither the companies nor the public option will permit the individual to be placed on home monitoring without the ability to pay, and if payment ceases, the individual is subject to re-arrest. The OPD views this as a bail system in disguise. Essentially, if you are ordered to be released and you can afford it, you can get out. However, if you cannot, you stay in jail. Not only does this contradict the spirit of the Rules of Court and both the statewide and national movement against predatory cash bail systems, it's unconstitutional.

SB 23 offers a stopgap fix to the immediate problem in several respects. First, it would provide quick relief (when enacted, which is still months away) by offering funding to indigent individuals to pay either private home detention fees or require local jurisdictions to waive or cover fees for public home monitoring programs. This is huge. Make no mistake about it, home detention is still a version of incarceration. An individual is not permitted to leave their assigned residence except for any pre-approved allowances like work, doctor's appointments, or court related activities. Every exception is programmed into a GPS device. Any violation is reported to the court. Many people on home detention are on "24/7 lockdown" with no exceptions. However, home detention is still preferable to being in jail. One can have some semblance of a regular existence while on home detention. In these times, home monitoring can mean the difference between life and death as COVID-19 makes its way through our jails and prisons. Being at home allows one to properly sanitize, mask and socially distance. We have also seen unprecedented delays in trials across the state, which could stretch out to nearly two years in older cases once courts fully open again. So, HB 0316 should, first and foremost, be regarded as a humane response to the pandemic.

SB 23 is also an extremely important step for the legislature to take towards reworking the uneven pretrial system throughout the state. It's arguable that people arrested in jurisdictions like Kent County or Baltimore City (without free home detention) are subjected to Equal Protection violations in that they don't have the same options of release as individuals arrested in localities like Montgomery, St Mary's, Anne Arundel or Prince George's Counties where home detention is local- and, most importantly, free. Providing funding begins to level the playing field between fee-based and free jurisdictions. It is also of great significance that OPD clients across the state that struggle with home detention costs tend to be people of color. Neither your place of arrest, financial wherewithal, nor race should determine whether you will be held in jail as you await your court date.

While supportive of SB 23, The OPD has several suggestions for the Committee. First, regarding the effective date of the bill, we ask for the law to be enacted as soon as possible or June 1, 2021, to most benefit those incarcerated individuals who cannot afford home detention during the pandemic. Second, we want to ensure that the Department of Juvenile Services is utilized as an agency which provides free electronic home monitoring services to equally support indigent juveniles and, in turn, help lessen the reliance on private home detention companies. Third, to prevent private home detention companies from discriminating against individuals whose fees would be paid from the "Pretrial Fund", we propose the inclusion of anti-price gouging language. With these proposals, our focus still lies in the efficient passage and implementation of the bill and thus, these suggested amendments do not change our overall support of SB 23.

In conclusion, it only makes sense to use funding already available in the "Pretrial Fund" to pay for home detention for those who have been granted it, but cannot afford it across the state.

For these reasons, the Maryland Office of the Public Defender respectfully urges a favorable report on Senate Bill 23.

For further information please contact Todd Oppenheim, Assistant Public Defender and subject matter expert, at todd.oppenheim@maryland.gov or Krystal Williams, Director, Government Relations Division, at krystal.williams@maryland.gov or by phone at 443-908-0241.

SB0023 MD NARAL SUPPORT.pdf

Uploaded by: Philip, Diana

Position: FAV



SB0023 - Conditions of Pretrial Release - Home Detention Monitoring

Presented to the Hon. Will Smith and Members of Senate Judicial Proceedings Committee
February 3, 2021 11:00 a.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges the Senate Judicial Proceedings Committee to issue **a favorable report on SB0023 - Conditions of Pretrial Release - Home Detention Monitoring**, sponsored by Senator Shelly Hettleman.

Our organization is an advocate for reproductive health, rights, and justice. Anything that could pose a barrier to achieving that freedom and justice of pregnant and parenting individuals is something that our organization is dedicated to fighting in every facet of our society. This includes the very prevalent income inequalities present in the criminal justice system that prevent Marylanders from accessing the reproductive care they need.

SB0023 attempts to eliminate the economic barriers that exist in the pretrial release system. As the law stands now, there are no exceptions for low-income persons in regards to the fees that come with a pretrial release, clearly prioritizing those with wealth privileges. In doing so, those living below the federal poverty line are restricted access to a pretrial release they may desperately need. Meanwhile, two thirds of those on probation nationwide make less than \$20,000 a year and 38% are well below the poverty line.¹ Those who choose to accept a pretrial release may face significant financial burden for months while potentially sacrificing essential services in order to pay the fees; if they're unable, they may be forced to relinquish their pretrial release. This becomes even more problematic when there are no regulations for what private companies can charge an individual.

This is especially important for pregnant individuals who may require special healthcare access or accommodations during the span of their pregnancy. These individuals should not be forced to take on burdensome financial expenses in order to retain their pretrial release when they are already saving for expectant children or paying for other healthcare related needs. Pregnant individuals or those facing other reproductive challenges deserve to be in a safe and familiar environment for the requirements of their health needs without cost being a factor. This truth remains particularly pertinent during a devastating pandemic that has infected—and killed—thousands of people in prisons and jails across the country, and is the reason groups like Reproductive Justice Inside have been working to get pregnant folks out of prisons and jails.

This bill will erase these income barriers and make it so that qualifying individuals with demonstrated need for financial assistance will be exempt from hefty pretrial release fees and be able to prioritize their healthcare needs despite their economic status. For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on SB0023**. Thank you for your time and consideration.

¹ https://www.prisonpolicy.org/blog/2019/04/09/probation_income/

SB 23 - Eliminate Fees for GPS Monitors for Low-In

Uploaded by: Powell, Holly

Position: FAV

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. 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.

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This is not justice.

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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,

Holly Powell

2308 Cambridge Street

Baltimore, Maryland 21224

Showing Up for Racial Justice Baltimore

SB 23 - Eliminate Fees for GPS Monitors for Low-In

Uploaded by: Rochkind, Jonathan

Position: FAV

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 43. I am testifying **in support of Senate Bill 23**.



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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,

Jonathan Rochkind
755 Melville Ave
Baltimore MD 21218

Showing Up for Racial Justice Baltimore

SB 23 - Eliminate Fees for GPS Monitors for Low-In

Uploaded by: Rosenthal, Anne

Position: FAV

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 40. 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.

It is a basic principle of our American legal system that no person should be kept in a jail cell merely because they cannot afford a monetary payment. Yet that is exactly what is happening every day throughout the state of Maryland. When a person is arrested and accused of a criminal offense, a judge decides whether to release or detain the person and, if the judge releases the person, what conditions to impose. As COVID-19 has spread like wildfire through jails and prisons, judges have increasingly opted for home detention and electronic monitoring. This allows a person to stay out of jail, while imposing other serious constraints on the person's liberty and movement.

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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,

A handwritten signature in black ink, appearing to read "AR", with a long horizontal line extending to the right.

Anne Rosenthal

810 Cathedral St. Baltimore, MD 21201

Showing Up for Racial Justice Baltimore

SB0023- Testimony- Support- JS.pdf

Uploaded by: Sell, Jennifer

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Annapolis and Anne Arundel County, a group of white folks working as part of a multi-racial movement for equity and racial justice in Annapolis and Anne Arundel County. I am a resident of MD District 33. 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.

It is a basic principle of our American legal system that no person should be kept in a jail cell merely because they cannot afford a monetary payment. Yet that is exactly what is happening every day throughout the state of Maryland. When a person is arrested and accused of a criminal offense, a judge decides whether to release or detain the person and, if the judge releases the person, what conditions to impose. As COVID-19 has spread like wildfire through jails and prisons, judges have increasingly opted for home detention and electronic monitoring. This allows a person to stay out of jail, while imposing other serious constraints on the person's liberty and movement.

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Thank you for your time, service, and consideration.

Sincerely,
Jennifer Sell

444 Lynwood Dr

Severna Park, MD 21146

Showing Up for Racial Justice Annapolis and Anne Arundel County

SB 23 - Eliminate Fees for GPS Monitors for Low-In

Uploaded by: Smeton, Jonathan

Position: FAV

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But home detention and electronic monitoring come at a steep price: \$11–17 per day, which can add up to *over \$500 per month*, as the [Baltimore Sun reported in August](#). These payments are prohibitive for most Maryland residents caught in the criminal legal system. In fact, a [recent study by the Federal Reserve](#) found that 40% of Americans don't have enough cash to cover a \$400 emergency cost. And the vast majority of people accused of crimes — well over 40% — are poor.

So it should come as no surprise that many people who a judge concludes can be safely released to home detention can't afford the cost of monitoring. Often, judges will refuse to release people who cannot pay. Some people who manage to get released must borrow money from family and friends — many of whom are also struggling in the midst of a pandemic where unemployment has skyrocketed — to pay the fees so they can remain free. Because jury trials have been canceled until April 26, 2021, releasing someone on home detention requires them to continue making astronomical payments for an indefinite period of time. All the while, the private companies who "supervise" people on home detention are profiting off of some of the poorest residents in Maryland. And those who cannot scrape together enough money are sent back to jail when they miss payments.

This is not justice.

The State of Maryland should eliminate fees for anyone who is indigent so that our legal system's commitment to "equal justice for all" is more than just a slogan. No one should be kept in a jail cell in the state of Maryland — unable to hug their children, at risk of losing their job and missing rent payments, and at heightened risk for contracting the deadly COVID-19 virus — just because they don't have enough cash to be free.

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,
Jonathan Smeton
3140 Ellerslie Avenue, Baltimore, MD 21218
Showing Up for Racial Justice Baltimore

SB 23 - Eliminate Fees for GPS Monitors for Low-In

Uploaded by: Todd, Tamara

Position: FAV

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 10. I am testifying **in support of Senate Bill 23**.



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Thank you for your time, service, and consideration.

Sincerely,
Tamara Todd
211 Northway Rd, Reisterstown MD, 21136
Showing Up for Racial Justice Baltimore

SB 23 - Eliminate Fees for GPS Monitors for Low-In

Uploaded by: Wilkins, Katherine

Position: FAV

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 12. I am testifying **in support of Senate Bill 23**.



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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,

Katherine Wilkins

10651 Gramercy Pl, Unit 257, Columbia, MD 21044

Showing Up for Racial Justice Baltimore

SB 23 - Eliminate Fees for GPS Monitors for Low-In

Uploaded by: Yoder, Daryl

Position: FAV

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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,
Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

Showing Up for Racial Justice Baltimore

SB023_FAV_JOTF Caryn York.pdf

Uploaded by: York, Caryn

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SENATE BILL 23:

Conditions of Pretrial Release - Home Detention Monitoring

TO: Hon. Will Smith, and Members of the Senate Judicial Proceedings Committee

FROM: Caryn York, Chief Executive Officer

DATE: February 3, 2021

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates for policies and programs to increase the skills, job opportunities, and incomes of low-wage workers and job seekers in Maryland. JOTF supports Senate Bill 23 as a means to ensure that the poor are not pushed further into debt, which they simply cannot repay in order to ensure their ability to access pretrial release through electronic monitoring.

For the 10 percent of Marylanders living below the federal poverty line, the management and repayment of even small debts can be a major challenge. This challenge is further exacerbated for those with a criminal record, a significant barrier to employment. However, despite these known obstacles, those who interact with the criminal justice system are levied with fees and other criminal justice system fines in order to access pretrial release. While Maryland has moved away from the “cash bail” system, other forms of release are still similarly situated. Simply put, there are still significant fees related to pretrial release and heavy fines allocated to those who fail to comply with their pretrial release conditions without any regard for the defendant’s ability to pay.

JOTF’s recently released report entitled, “The Criminalization of Poverty,” studies how the fines and fees related to the criminal justice system burden the poor, even once they are released. Studies show that 80 to 85 percent of those who are released have debt due to fees incurred while incarcerated, which includes fees for electronic monitoring, home detention monitoring, and GPS monitoring. This estimates to approximately 10 million individuals who owe more than \$50 billion in debt that is likely to never be repaid due to financial circumstances. This debt further impoverishes already indigent individuals, who lack access to educational opportunities and are less employable due to their criminal record.

The assessment of fees onto those who are incarcerated, especially pretrial, creates an unbreakable cycle that can be fixed by assessing the ability to pay beforehand and granting waivers to defendants who show an inability to do so. An inability to pay is simply that, regardless of the amount of time given to pay it. Additionally, the costs place many defendants in the arduous position of choosing between compliance with their conditions to maintain their freedom or maintaining their households.

Senate Bill 23 seeks to address this issue by providing a fee waiver to pretrial “indigent defendants” for electronic monitoring for home detention. To be clear, this bill does not prohibit the collection of fees for everyone and still allows for those who have the ability to pay. If enacted, this bill would simply prohibit the unnecessary levying of additional fees and fines on those who have the least capacity to pay them. This kind of waiver is already offered for those who are on home detention monitoring for probation or

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

parole. Therefore, it should be extended to those who are pretrial, as these defendants have not been found guilty.

JOTF strongly supports any legislation that encourages a restructuring of the punitive criminal justice system that disproportionately impacts and punishes the low-wage job seekers of Maryland. We believe that what is proposed in Senate Bill 23 is a significant step towards ensuring that those who are released have a fighting chance at employment and working wages. For these reasons, we urge a **favorable** report of this bill.

SB23_JOTF_Monitoring Fees Costs.pdf

Uploaded by: York, Caryn

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

Advantage Sentencing Alternative Programs, Inc.
309 East Joppa Road Towson, MD 21286
Office: 410-832-1717 Fax: 410-832-1719

AGREEMENT OF FINANCIAL RESPONSIBILITY

1. I agree to pay an evaluation fee of: \$0.00
2. I agree to pay a onetime connecting fee of: \$100.00
3. I agree to pay a daily fee of: \$10.00
4. I agree to pay for random drug and alcohol testing \$ 30.00
5. I agree that all payments made to this office are non-refundable.
6. I further agree to pay an initial daily fee equal to fourteen (14) days service prior to activation and to pay all subsequent charges weekly in advance as directed by A.S.A.P., Inc.
7. If I become two (2) weeks delinquent in payments, I understand that A.S.A.P., Inc. will only accept cash or money order payments and I may be violated from the program.
8. I understand that failure to return all parts of the home monitoring equipment will result in me being charged with Grand Theft and I will be charged full price for the non-returned equipment. Equipment costs listed on Equipment Responsibility Form. An additional \$50.00 will be charged if an A.S.A.P. Inc. representative has to retrieve the equipment for any reason.
9. I understand that if I write a personal check to A.S.A.P., Inc and it is returned for any reason I must pay a \$35.00 returned check fee and A.S.A.P., Inc will no longer accept personal checks from me.
10. I understand that all fees to A.S.A.P. Inc., must be paid in advance by cash, money order, certified funds, or other means as agreed to with A.S.A.P., Inc. Failure to pay A.S.A.P. Inc., as provided shall result in immediate termination from the monitoring program and constitutes a violation of my condition of release.
11. I am aware that if I should violate the rules and conditions of my home detention, I am not eligible for any refund on fees paid.
12. I agree to pay a \$75.00 termination fee at termination, or no later than six (6) weeks after hookup, whichever comes first. Final payments must be made in cash or money order only. Final reports to the Court, Defense Attorney and Probation Office will be sent only upon payment in full.
13. I understand that if I dispute a positive drug test, the sample can be sent for further analysis or I can report to Friends Medical Laboratory on the same day, there will be an additional \$35.00 cost.
14. If an A.S.A.P., Inc. agent must appear in Court for any reason, there will be a \$100 fee charged for this service.
15. There is a \$.10 per page fee, if you request a copy of your home detention file.

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

Advantage Sentencing Alternative Programs, Inc.
309 East Joppa Road Towson, MD 21286
Office: 410-832-1717 Fax: 410-832-1719 asap.homedetention@yahoo.com

Cincere Johnson:
Your hookup appointment was on 8/24, at which you paid \$ 282.00.
Below is a reminder about your next appointment and what is needed to complete your basic file.
Your 1st biweekly appointment after hookup is scheduled for 9/9.
☐ In office
☒ Phone appointment
and the amount due will be \$ 212.00. This includes 17 days and the cost of your first urinalysis. The following items are still needed for your file:
____ 2nd Guarantor signature on Equipment Agreement; must be received by _____.
____ 2nd Guarantor signature on Financial Agreement; must be received by _____.
____ 2nd Guarantor photo ID (do not fax)
____ Phone Bill
____ Resident/Phone Line Agreement Form
____ Lease, Mortgage, Renters Agreement, Tax Bill, or Deed
____ Photo ID
____ Court Order
____ Employment Information (FULL Address, Phone #, Supervisor Name)
____ Probation officer's name, address, phone and fax numbers
____ Other _____

ng verification for all of your outings to each appointment. Also, read all of your agreements a
es Regulations of the program. If you have any questions, you should ask them at this app

r your first biweekly appointment, your payment schedule will be as follows: 2nd biweekly
intment \$ 212.00 (includes urinalysis), 3rd biweekly appointment \$ 257.00
nation fee), and \$ 182.00 every two weeks thereafter. Clients behind on paymen
t weekly.

I WILL NOT RECEIVE ANY FURTHER NOTICES, BILLS, OR REMINDERS. YO
NSIBLE FOR KEEPING TRACK OF YOUR PAYMENTS, WHAT IS NEEDED F
PPOINTMENT DATES TIMES FROM THIS DATE FORWARD

Senate Bill 23 response.pdf

Uploaded by: John, Beverly

Position: UNF



**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

SB 23 – Conditions of Pretrial Release – Home Detention Monitoring

UNFAVORABLE

To Chairman Smith, Vice-Chair Waldstreicher, and members of the Committee,

This written testimony in **opposition** of “SB0023 – Conditions of Pretrial Release – Home Detention Monitoring” is submitted on behalf of Concerned Citizens for Bail Reform, a grassroots non-partisan organization created to advocate and educate the public on the need to reform our local criminal justice system by eliminating the need for cash bail in Prince George’s County, MD. We focus on issues around the negative impact of cash bail in our communities and how the bail system feeds mass incarceration.

We are opposed to home detention monitoring, in general, as it:

1. Imprisons and restricts movement of citizens who have not been convicted of a crime;
2. Stigmatizes and enforces a presumption of guilt of the individual; and
3. Places an unfair financial burden on impoverished residents and their families.

There are cases where the system has been manipulated by false witnesses and accusations that have led to innocent citizens forced to wear these devices until their innocence after many years was finally proven. The emotional trauma, embarrassment and stigmatizing effects of this must not be dismissed. Loss of employment which adds to the financial burden of having to pay for this electronic imprisonment on families is devastating.

Home detention monitoring is just as oppressive and unjust as the cash bail system. Unfortunately, we fear that Maryland’s poorest zip codes will continue to pay the highest amounts to the bail and home detention monitoring industries, which will most likely be one and the same. Defendants face fees of \$400 to \$600 a month. Sadly, faced with the choice of providing basic needs versus paying for home detention, some defendants are jailed.

We note that changes to SB0023 generally provide for the Pretrial Services Program Grant Fund (already established) to pay costs and fees to “private home detention monitoring agencies.” These costs and fees are in addition to what a defendant must pay directly to the agencies. So, in addition to draining the finances of low-income defendants and their families at the mercy of

these “agencies”, are we now opening the door for more state tax dollars to be given to them as well?

If we must use home monitors, we can look to Baltimore County to question the additional fees. They have eliminated these burdensome fees altogether. According to a [Baltimore Sun](#) Commentary, these fees “are financially unnecessary,” since home monitoring costs the state far less than holding someone in pretrial detention. The estimates of \$100/day to hold someone pretrial versus home detention monitoring at \$13-\$20/day speak to the savings.

We would like to propose any additional state funds under the “Pretrial Services Program Grant Fund” be used to enhance and improve pretrial service programs. The Prince George’s County Pretrial Services department along with others in the state can greatly benefit from more funding to provide mental health and other services that support our citizens to successfully move out of the criminal “justice” system.

Thank you.

Concerned Citizens for Bail Reform
Beverly John contact: ccfbr.pg@gmail.com