

**TESTIMONY in Favor of SB 704**  
**Conditions of Pretrial Release - Home Detention Monitoring - Alterations and Extension**

**TO:** Chair Smith, Vice Chair Waldstrieher, and members of the Judicial Proceedings Committee  
**FROM:** Samantha Blau on behalf of Baltimore Action Legal Team

My name is Samantha Blau, and I am the Policy and Engagement Director at Baltimore Action Legal Team (BALT). I submit this testimony in favor of Senate Bill 704. Since its founding in 2015, BALT remains committed to educating community members about their rights, ensuring access to public records, and operating support funds for people who cannot afford to pay the costs associated with pretrial incarceration.

Since our founding we have operated a bail fund to provide financial assistance to community members who need help posting bond. The Public Defender's Office has regularly relied on our bail fund, reaching out on behalf of clients hoping to stay out of pretrial detention. But in March 2020 BALT began receiving a different kind of request for assistance which we had never heard encountered before. Instead of covering a one-off bond request, we were being asked to pay a daily fee for their clients to receive private home detention that was court mandated. BALT agreed to help these community members as part of our mission, but we did not anticipate the volume of requests nor the staggering costs of home monitoring. By June a BALT member was driving to Towson once a week to make cash payments of \$1,000 to cover our new clients' fees. Before the Judiciary finally took over making these payments in October 2021, BALT helped over 140 people pay for their court ordered private detention, amounting to over \$225,000 in detention fees that would otherwise have burdened these individuals. BALT continues to cover the cost of private home detention for those who are not poor enough to meet the state's standard of indigency, yet still struggle to pay the minimum daily rate of \$14.00 while waiting months for their trial to begin.

It is essential to ground this bill in the lived experience of those serving pretrial home detention in Baltimore City. While a person is awaiting trial on home detention, they are very much being detained, even as they are officially listed in case records as "Released on Recognisance." We find that most people are prohibited from leaving their home - even for essential responsibilities such as maintaining a job that would provide income to cover the costs of home detention.<sup>1</sup> Private detention is overwhelmingly cost prohibitive for these individuals, with rates at \$396/month, maintaining the room and board of their imprisonment, and zero income.

You may believe that this is a fitting punishment for a person who broke the law, but punishment is reserved for someone who has already had a trial. The reality of pretrial detention and its outcomes show it is ineffective in achieving its public policy goals - and disproportionately harmful for the impacted individuals. In 2019 76% of all cases in Baltimore City in which a person was held without bail at least once ended up having all of their charges dropped, acquitted, or a mixture of dropped and acquitted. This means more than three-quarters of all defendants whom the court deemed ineligible for pretrial release

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<sup>1</sup> As the judiciary does not keep official records of people currently in court-ordered private home detention, this trend is based on the firsthand accounts of BALT's clients on home monitoring.

were not found guilty.<sup>2</sup> Because the court does not keep a record of how many people are assigned to pretrial private home detention, I am unable to share how many people placed on pretrial home detention are not found guilty, but that rate could very well be equally staggering.

I hope that one day Maryland law will reflect that no person should have to pay to be monitored by the state. At this time I ask that at least our most marginalized community members continue to be given the protections affirmed in *Nelson v. Colorado*, that the presumption of innocence protects a defendant from having to pay fines and fees. I urge a favorable report on SB 704 from this committee.

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<sup>2</sup> As found in BALT's analysis of bail hearings and case outcomes for Baltimore City in 2019.