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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: 2/28/2025

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.

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