

## **Herald Mail Media, Letter to the Editor**

**November 9, 2018**

### **Court rule on bail bondsmen has not increased detention**

#### **To the editor:**

An interview with former bail bond industry lobbyist and private attorney Ira Cooke (“Hagerstown attorney says bail bond industry hurt by court rules,” Nov. 4) laments the impact of a court rule on bail bondsmen without any insight into the actual impact on the justice system.

The new rule has not increased the use of detention. The jail population has generally remained the same, with slight decreases since the rule has passed. More people who do not pose a danger are being released. Court data suggests that judges are now holding individuals without bail who previously had an unaffordable money bail, with the same result of detention. Judges need to re-examine who is detained pretrial unnecessarily, but money bail is not the solution.

The rule does not limit judges’ options. Money bail remains permissible, but only as a last resort and at an amount affordable to the defendant. Rather than a “pay to play” culture that relies on wealth to determine freedom, the rule encourages consideration of home detention, pretrial supervision, community services, and financial conditions to determine what is most appropriate in each case.

We need more pretrial services, but rather than revert to a problematic wealth-based approach, we should dedicate resources to a more effective justice system. As recently reported, a grant from CareFirst will allow my office to connect clients with community-based opioid treatment (“Western Maryland groups receive funds to combat opioid epidemic,” Oct. 25). Regardless of how the criminal case is ultimately resolved, treatment is more effective and cost-efficient than incarceration.

The court's rule responded to concerns that the money-based system was at odds with the Maryland Constitution, allowing wealthier defendants to pay for their freedom while incarcerating poorer defendants regardless of their relative level of risk and liability. Hagerstown needs effective, equitable solutions that promote justice and fairness, not a return to the problematic practices of the past.

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