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**Public Defender Supports Rule Change; Revisions Needed to Address the Millions of Dollars in Bail Premiums Extracted from Maryland Communities**

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The Maryland Public Defender supports changes to the Rules governing pretrial procedures to address current practices that routinely result in massive debt and the unnecessary detention of presumptively innocent people because they are too poor to pay the bail imposed. Changes to the current Rules are being considered by the Rules Committee at a hearing on Friday, November 18, 2016. The proposed Rule changes were previously approved by the Criminal Rules Subcommittee, and align with concerns raised by [Maryland Attorney General Brian Frosh](#), [former U.S. Attorney General Eric Holder](#), and [the American Bar Association](#).

The proposal would amend Maryland Rule 4-216 and establish a new Rule 4-216a to, among other things, clarify the prohibition on using bail as a proxy for detention. Specifically, the proposed Rules would require that a financial condition only be imposed if no other option can mitigate any risk to public safety or to the defendant's appearance at future court dates, and that any money bail imposed be at an amount the defendant can afford.

“The proposed changes are an important step in aligning Maryland's pretrial practices with constitutional principles that oppose the detention of individuals merely because they have been accused of a crime and are too poor to pay for their release,” stated DeWolfe.

Earlier this week, the Office of the Public Defender issued [a report highlighting the need for a bail reform](#). Based on a statistical analysis of District Court criminal cases filed in 18 jurisdictions, the report found that, in 2011 through 2015, more than 45,000 presumptively innocent individuals were detained for at least the first five days of their criminal case because they could not afford the bail imposed.

For defendants who were released on bail, the report found that at least \$256 million was paid in non-refundable corporate bail bond premiums during the study period, with the majority of this debt incurred by the state's poorest neighborhoods. Nearly 30 percent (\$75k) was charged in cases resolved without any finding of wrongdoing.

“For someone on the edge of poverty, release pending trial is vital to maintaining employment, housing and sufficient child care. The debt caused by bail can devastate a family,” noted Public

Defender Paul DeWolfe. “The proposed Rule is an important first step in reforming Maryland’s wealth-based pretrial detention system.”

OPD’s report, *The High Cost of Bail: How Maryland’s Reliance on Money Bail Jails the Poor and Costs the Community Millions* is available at: <http://bit.ly/2eWZ1vO>

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