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Maryland Communities Paid More Than \$256 Million in Corporate Bail Bond Premiums Between 2011 and 2015, Often in Cases Where There Was Ultimately No Finding of Wrongdoing.

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In a report released today, the Maryland Office of the Public Defender (OPD), in partnership with economics professor Arpit Gupta, Ph.D., and technology executive Douglas Swanson, provide data showing the extent to which presumptively innocent Marylanders are forced to pay for their freedom while a criminal case is pending. This report is in advance of a Maryland Rules Committee meeting, to be held on Nov. 18, 2016, considering possible changes to the court rules governing pretrial determinations related to bail.

Key findings from the report, [*The High Cost of Bail: How Maryland's Reliance on Money Bail Jails the Poor and Costs the Community Millions*](#), include:

- During the study period of 2011-2015, in the 18 jurisdictions surveyed, more than 46,000 presumptively innocent individuals were detained on bail for at least the first 5 days of their case, more than double the number of defendants held without bail due to dangerousness or risk of flight.
- The bail industry posted at least \$2.5 billion in corporate bonds during the study period, meaning that defendants and their families were charged non-refundable premiums totaling an estimated \$256 million (\$51 million per year).
- More than \$75 million in corporate bond premiums were paid in cases where the defendant was ultimately not convicted of any crime.
- Based on defendant zip codes, the two neighborhoods with the highest corporate bond costs are also two of Maryland's poorest neighborhoods (Park Heights and Sandtown-Winchester, both in Baltimore City).
- Defendants who identify as black had money bail imposed at higher amounts than white defendants and paid more in corporate bond premiums than defendants of all other races combined.
- Unsecured bonds, which only require payment if the person fails to appear at a court date, are as effective as secured bonds at ensuring defendants return to court.

“The data from this report makes clear that Maryland’s reliance on money bail has significant costs for our communities,” said Paul DeWolfe, Public Defender of Maryland. “Moreover, other options, such as unsecured bond, pretrial services, electronic monitoring, and simple text reminders of court dates, are just as effective without the devastating financial impact on Maryland families and communities.”

The report is based on a study conducted from the criminal court histories contained in the Maryland Judiciary Case Search website for the District Courts in 18 jurisdictions.¹ In addition to the exclusion of 6 jurisdictions, the analysis does not include Circuit Court cases, incarcerable traffic offenses, and expunged cases. As a result, the data provided is highly conservative and most likely significantly underestimates the extent to which funds flow from Maryland communities to the bail bond industry.

The constitutional issues related to Maryland’s reliance on money bail have been noted by both [Maryland Attorney General Brian Frosh](#) and [former U.S. Attorney General Eric Holder](#). In the wake of these concerns, the Maryland Judiciary’s Standing Committee on Rules of Practice and Procedure is currently considering a rule change that would, among other things, prevent courts from imposing money bail that the defendant cannot afford and encourage the use of non-financial conditions of release.

The High Cost of Bail: How Maryland’s Reliance on Money Bail Jails the Poor and Costs the Community Millions is available online at <http://www.opd.state.md.us/Portals/0/Downloads/High%20Cost%20of%20Bail.pdf>.

Additional documents supporting bail reform in Maryland are available at: <http://www.opd.state.md.us/Resources/BailReformDocuments.aspx>.

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¹ The jurisdiction included are: Allegany County, Anne Arundel County, Baltimore City, Baltimore County, Calvert County, Carroll County, Charles County, Frederick County, Garrett County, Harford County, Howard County, Montgomery County, Prince George’s County, St. Mary’s County, Somerset County, Washington County, Wicomico County and Worcester County. The remaining counties could not be included because they have transferred to the Maryland Electronic Courts case management system, which codes the relevant data differently.