



## **Statement on passage of the California Money Bail Reform Act**

Last year, the Maryland Court of Appeals unanimously approved and enacted a new rule that has dramatically and rightly reduced the use of cash bail. This landmark ruling ushered in the monumental first step towards bail reform in Maryland. As a coalition of community-based advocates, legal practitioners, national advocacy organizations, and academics, we believe that there should never be two criminal justice systems: one for the rich and one for the poor. Hence, our strong advocacy to eliminate the use of cash bail in Maryland.

Momentum for bail reform is happening in other states, most recently in California. However, as we have seen through our own efforts in Maryland, legislative reform is just the first step in a very arduous process. The next step to ensuring meaningful change is effective implementation. This requires education, monitoring and supports to realize our ultimate goal of ending the criminalization of poverty.

We take very seriously the concerns of civil rights groups and former co-sponsors who opposed California's recently passed legislation. Their opposition reminds us that replacing cash bail with a 'preventative detention' framework simply replaces one reflexive carceral system with another. This framework re-establishes law enforcement as a key component of the pretrial process and perpetuates racial and class disparities through the adoption of "risk assessment tools" that are developed in black boxes without community accountability, and that are not validated to safeguard against racial bias. True reform within our criminal justice system requires a culture shift in our approach. The problem is not cash bail alone, but a broader system culture that blindly presumes incarceration is the only means of ensuring public safety.

In Maryland, following the enactment of the Court of Appeals rule, we have seen an increase in people being held without bond. As the new rule proscribes, many of these individuals who are now being held without bond may have previously received an unaffordable bond. However, this increase is also due to insufficient pretrial services and is exacerbated by traditional thinking that assumes a greater level of risk for this population, contrary to research and evidence. It is imperative that in Maryland we preserve and fully realize a presumption of release prior to trial for the vast majority of people who are arrested, along with a system of pretrial release services for those who may need extra supports to remain responsibly in the community while awaiting their trial. During the 2018 session in Annapolis, the Coalition urged passage of the Pretrial Services Program Grant Fund (HB447), which provides \$1M in funding for pretrial services. Its passage was vital to our continued bail reform efforts, as we continue to emphasize the need for investment in an unbiased, comprehensive, community-based, and evidence-supported pretrial process in Maryland. We look forward to working with Maryland lawmakers and the Judiciary in 2019 and beyond to make this a reality.