



TESTIMONY IN SUPPORT OF HB1390

Honorable Chair Joseph F. Vallario and Members
House Judiciary Committee
House Office Building, 6 Bladen Street
Annapolis, MD 21401

The Office of Civil Rights and Wage Enforcement is a Baltimore City agency tasked with upholding federal, state and local civil rights laws. The overarching mission of the Office of Civil Rights is to carry out activities to eliminate discrimination and protect individuals' civil rights. As a part of our mission and dedication to fairness and equality for the people of Baltimore, we wish to express our strong support for HB1390.

Supporting civil rights means supporting equal access to resources, opportunities and protections guaranteed by our legal system. This is most important in the criminal justice system, where members of the public find their freedom at stake. We must hold our justice system to the highest standards of equity and impartiality.

For this reason, we find it highly disconcerting that our current bail system has created a two tiered system where those without financial means to post bail are too often detained before trial, while wealthier defendants are released to resume normal life activities. Before guilt or innocence has been determined, before any evidence has been reviewed or presented, many defendants who are not flight risks or dangers to the community are sent to correctional facilities unless they are able to pay the set bail. For those defendants whose support networks are able to stretch limited means to make this payment, their families are faced with undue financial strain as they reprioritize and reorganize resources to bring their loved one home. For those defendants who do not have these means, they are forced to await trial in the correctional facility, making it

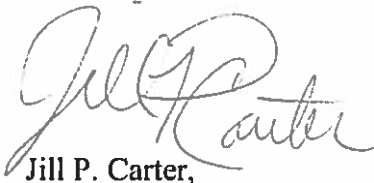
more difficult for them to communicate with attorneys and mount a defense, disrupting work and family life, and leaving them vulnerable to the violence and dehumanization that occurs in these facilities. It is clear that this is punishment without conviction of guilt, and it is fundamentally contrary to the concept of a fair and impartial justice system.

The majority of those disparately impacted are minority defendants, which further illustrates the inherent inequity in this system. Being accused of a crime does not mean that one has committed a crime, and punishing defendants solely on the basis of accusation is extraordinarily reprehensible. This is especially true in our local justice system, where the report by the U.S. Department of Justice found systemic discrimination in policing targeted low-income minority communities, inevitably creating an influx of people into the justice system where presumed guilt is based on race rather than evidentiary support. Statistics have shown that people of color experience great disadvantage and disenfranchisement in the criminal justice system. They make up the majority of the prison population, are more likely to be searched and arrested, face harsher sentencing and are more likely to be sentenced as adults for crimes committed as minors. Reforming the current bail system is a progressive step towards a greater movement in equal justice, and a necessary measure in beginning to correct these inequities.

The primary opponents of this legislation are representatives of the bail bonds industry, which receives substantial financial gain from this system. Our interests lie not in any monetary advantage, but in justice and fairness for the people of Maryland. The intended purpose of the bail system is to ensure appearance in court and protect the public from potential danger, not to disenfranchise low income defendants. Bail should be used only for that specific purpose, not to support an industry on the backs of those who can least afford it. To use it otherwise is not only unjust, it is predatory.


The Office of Civil Rights and Wage Enforcement supports a bail system that does not treat wealthy defendants better than those without significant financial means. We believe that 'presumption of innocence until proven guilty' is a non-negotiable standard, and should not be influenced by the defendant's personal resources. We stand

firm in our support of this legislation, and express our sincere hope that this will be the beginning of a larger movement of reform and abolition in the State of Maryland, and a step towards true justice for all.

A handwritten signature in black ink, appearing to read "Jill P. Carter". The signature is fluid and cursive, with the first name "Jill" and last name "Carter" clearly distinguishable.

Jill P. Carter,

Director of the Office of Civil Rights and Wage Enforcement

A handwritten signature in black ink, appearing to read "Jill Muth". The signature is cursive and somewhat stylized, with the first name "Jill" and last name "Muth" clearly distinguishable.

Jill Muth

Special Assistant to the Civilian Review Board