



PRESS RELEASE

AG Frosh Urges Standing Committee on Rules of Practice and Procedure to Consider Changes to Maryland Rule 4-216 *Amendments to Rule Would Prevent Defendants from Being Held in Jail Solely Because of Lack of Financial Resources*

BALTIMORE, MD (October 25, 2016) – Maryland Attorney General Brian E. Frosh in a letter today urged members of the Standing Committee on Rules of Practice and Procedure to consider changes to Maryland Rule 4-216 to ensure that judicial officers conduct an individualized inquiry into a criminal defendant’s ability to pay bail and not set financial conditions solely for the purpose of detaining a defendant. The number of people detained pretrial in Maryland continues to rise, and in many instances are held in jail in Maryland only because they are too poor to post bail.

In the letter, Attorney General Frosh states: “Numerous studies have documented that Maryland’s pretrial system currently operates, though not by design or intent, in a manner that is often inconsistent with State and federal law, ineffective at addressing public safety concerns, disproportionately burdensome to communities of color, and inefficient in its use of State and local resources.”

The letter also states: “State law and constitutional principles demand that, in cases where it is not necessary to detain a defendant to ensure appearance at trial or to protect public safety, conditions of release from pretrial detention should be the least onerous necessary to serve those important public interests.”

In the letter, Attorney General Frosh notes that, “Reliance on a wealth-based pretrial detention system disproportionately affects people of color, whose median household incomes are the lowest in the country. The Pretrial Justice Institute found that, nationally, there is a significant correlation between race and levels of bail. African American men receive bail that is 35% higher than bail given to white men; Hispanic men receive bail that is 19 percent higher than white men. These racial inequities also exist in Maryland.”

“Lastly, Maryland’s current pretrial system significantly burdens Maryland taxpayers. According to the 2014 Commission Report, pretrial detention costs the state somewhere between \$83 and \$153 a day for each of the 7,000 plus defendants who are detained in jail awaiting trial at any given time in Maryland.”

The letter was sent to the Chair and Vice Chair of the Standing Committee on Rules of Practice and Procedure.

[A copy of the letter can be viewed here.](#)

[Bail Reform FAQ](#)