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Court Observation Project Finds Minimal Use of Money Bail with Reliance on Held Without Bail for Some Charges; Recommends More Robust Pretrial Services and Other Measures

For release – March 12, 2018.

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On March 12, 2018, the Office of the Public Defender will release [***Bail Reviewed: Report of the Court Observation Project***](#). This report is the culmination of a court observation project in which members of the community observed bail review hearings to learn more about the pretrial process and to gather data about the implementation of a recent court rule change intended to curb the reliance on money bail.

Community members who participated found the lack of sufficient pretrial resources to be a critical factor in many of the bail review hearings. “Judges seem to want to release many defendants and have lamented a lack of alternatives such as house arrest, tracking technology, etc.” noted observer Dan Richman.

The bail reviews observed did not primarily result in the imposition of money bail, indicating a clear success of the rule change. However, a high number of people were held without bail for drug charges that do not inherently suggest a danger to the public. For misdemeanor assault, Baltimore City held people without bail substantially more often than Baltimore County did. The findings of the Court Observation Project are consistent with data released by the judiciary and the recent report, [***Advancing Bail Reform in Maryland: Progress and Possibilities***](#), which compares the results of initial appearances and bail review hearings in 2015 and 2017.

Other recommendations by the observers include providing judges with tools that measure risk, educating judges, commissioners and the community about the pretrial process, and allowing detainees to be present in court for their bail review hearing. Observer Kathryn Munnell concluded “The process is so subjective. Judges will say it’s the rule of law, but if you watch judge they all have their peccadilloes...Each judge has their own line in the sand.”

Bail Reviewed: Report of the Court Observation Project is available online at <http://bit.ly/2IidnqM>.

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