

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 11. I am also a member of the Congregation Beth Am Social Action Committee. I am testifying **in support of Senate Bill 23**.



Senate Bill 23 will eliminate GPS monitoring fees for low-income detainees in home detention. This will ensure people are not kept in prison, purely because they are poor.

It is a basic principle of our American legal system that no person should be kept in a jail cell merely because they cannot afford a monetary payment. Yet that is exactly what is happening every day throughout the state of Maryland. When a person is arrested and accused of a criminal offense, a judge decides whether to release or detain the person and, if the judge releases the person, what conditions to impose. As COVID-19 has spread like wildfire through jails and prisons, judges have increasingly opted for home detention and electronic monitoring. This allows a person to stay out of jail, while imposing other serious constraints on the person's liberty and movement.

But home detention and electronic monitoring come at a steep price: \$11–17 per day, which can add up to *over \$500 per month*, as the [Baltimore Sun reported in August](#). These payments are prohibitive for most Maryland residents caught in the criminal legal system. In fact, a [recent study by the Federal Reserve](#) found that 40% of Americans don't have enough cash to cover a \$400 emergency cost. And the vast majority of people accused of crimes — well over 40% — are poor.

So it should come as no surprise that many people who a judge concludes can be safely released to home detention can't afford the cost of monitoring. Often, judges will refuse to release people who cannot pay. Some people who manage to get released must borrow money from family and friends — many of whom are also struggling in the midst of a pandemic where unemployment has skyrocketed — to pay the fees so they can remain free. Because jury trials have been canceled until April 26, 2021, releasing someone on home detention requires them to continue making astronomical payments for an indefinite period of time. All the while, the private companies who "supervise" people on home detention are profiting off of some of the poorest residents in Maryland. And those who cannot scrape together enough money are sent back to jail when they miss payments.

This is not justice.

The State of Maryland should eliminate fees for anyone who is indigent so that our legal system's commitment to "equal justice for all" is more than just a slogan. No one should be kept in a jail cell in the state of Maryland — unable to hug their children, at risk of losing their job and missing rent payments, and at heightened risk for contracting the deadly COVID-19 virus — just because they don't have enough cash to be free.

It is for these reasons that I am encouraging you to vote in support of **Senate Bill 23**.

Thank you for your time, service, and consideration.

Sincerely,

Benjamin Fertig

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Showing Up for Racial Justice Baltimore