

Governor's Commission to Reform Maryland Pretrial System

June 26, 2014

1:00 – 3:00PM

Judiciary Education and Training Center

Meeting Materials:

- Agenda
- GOCCP Pretrial Fact Sheet
- Map Pretrial

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Agenda:

- **Welcome and Introductions**
- **Why is the pretrial decision so critical?**

Video Presentation: “Pretrial Decisions Determine Mostly Everything” Dr. Marie VanNostrand, Center for Evidence-Based Crime Policy, George Mason University

- **Maryland's Current Pretrial Process**

Presentation: Dave Weissert, Coordinator, Commissioner Activity, District Court of Maryland

- **Executive Order and Commission Objectives**
- **Discussion Question for Commission Members:**

What is the one thing you would change about Maryland's Pretrial System that would have the most positive outcomes for the criminal justice system as a whole?

- **Closing Remarks/Next Steps**

Pre-Trial Analysis of Maryland

Cover Sheet

Date Requested: June 16, 2014

Person/Agency Requesting: Jeffrey Zuback, Governor's Office of Crime Control and Prevention

Date Completed: June 18, 2014

Person/Agency Product was sent to: Jeffrey Zuback, Governor's Office of Crime Control and Prevention

Description of Data Used: The data used for these maps was provided by the Governor's Office of Crime Control and Prevention on pre-trial data by county. Data includes information on pretrial units, pretrial risk assessment tools, initial appearances and rate of recognizance.

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2013 Release on Recognizance (ROR) Rates by District in Maryland (Page 3)



Governor's Commission to Reform the Maryland Pretrial System OVERVIEW & REFORM POTENTIAL

Court Decision Highlights Duplicative Maryland Pretrial Process

Maryland defendants are detained and subject to a duplicative, two-hearing process before trial. A new Court of Appeals decision will require counsel for defendants at both hearings.

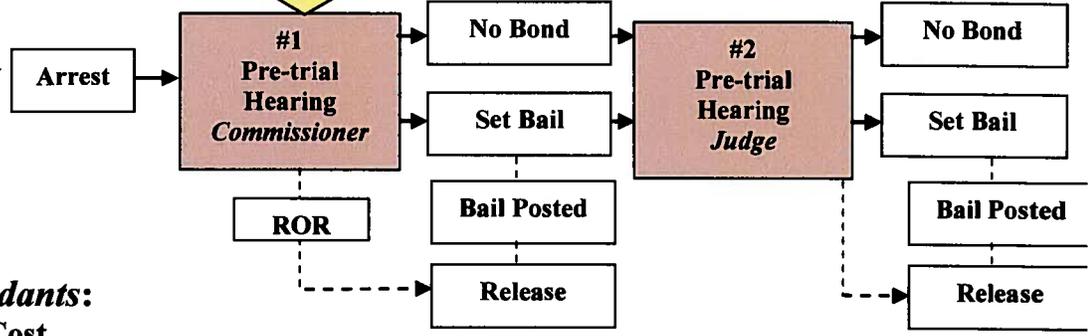
In the existing process, first a court commissioner and then a judge compile the same key factors of a defendant's history and weigh those factors subjectively to make a pretrial release decision.

Research has shown that subjective methods often lead to the release of high-risk defendants and the detention of low-risk, non-violent defendants pending trial.

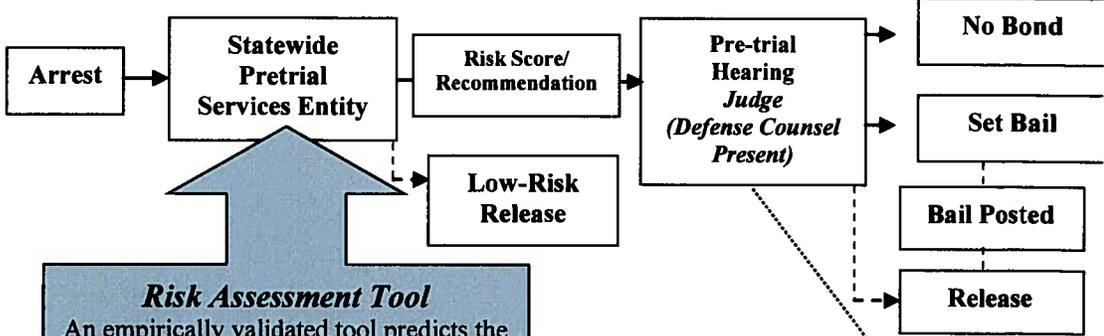
Currently, Maryland does not use a statewide, standardized risk assessment tool to measure a defendant's risk of failure to appear or risk to public safety objectively.

DeWolfe v. Richmond
(9/25/13) The Court of Appeals ruled that indigent defendants have a state constitutional right to state-furnished counsel at initial hearings before Court Commissioners. To comply with *Richmond*, the Judiciary must provide counsel at 170,000 – 175,000 commissioner hearings per year.

Maryland's Existing Pre-trial System



Reform for Maryland Defendants: Increasing Fairness, Reducing Cost



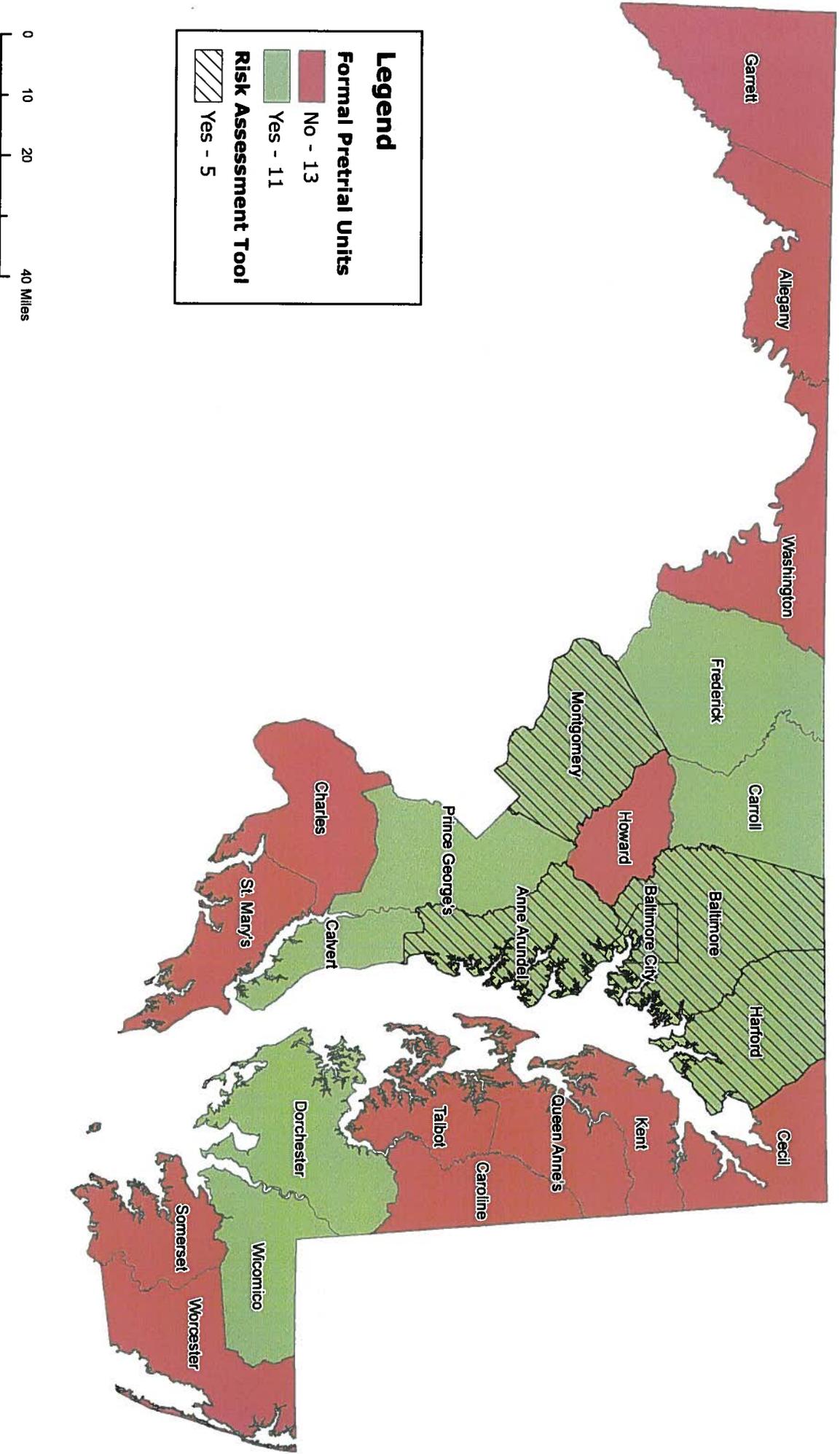
Risk Assessment Tool
An empirically validated tool predicts the risk a defendant will commit new offenses, commit new violent offenses, or fail to appear for court. The tool weighs evidence-based risk factors and presents scores categorizing pretrial defendants as low, moderate or high risk.

EFFICIENCY:
The two-hearing system will collapse into one initial appearance hearing before a judge. Defendants receive one release decision based on judicial discretion, risk assessment tool outcomes and additional factors presented by OPD, SAO, and the Judiciary.

STANDARDIZATION:
Within 24 hours of arrest, a statewide Pretrial Services Unit will assess all defendants using a validated risk assessment tool to determine FTA risk and risk to public safety objectively.

REDUCED DETENTION TIME & COSTS:
Defendants scoring low-risk on the tool will be released on their own recognizance immediately, eliminating the requirement of defense counsel, removing undue losses of liberty, and reducing institutional costs for detention. Release will also reduce the number of cases that go to initial appearance before a judge.

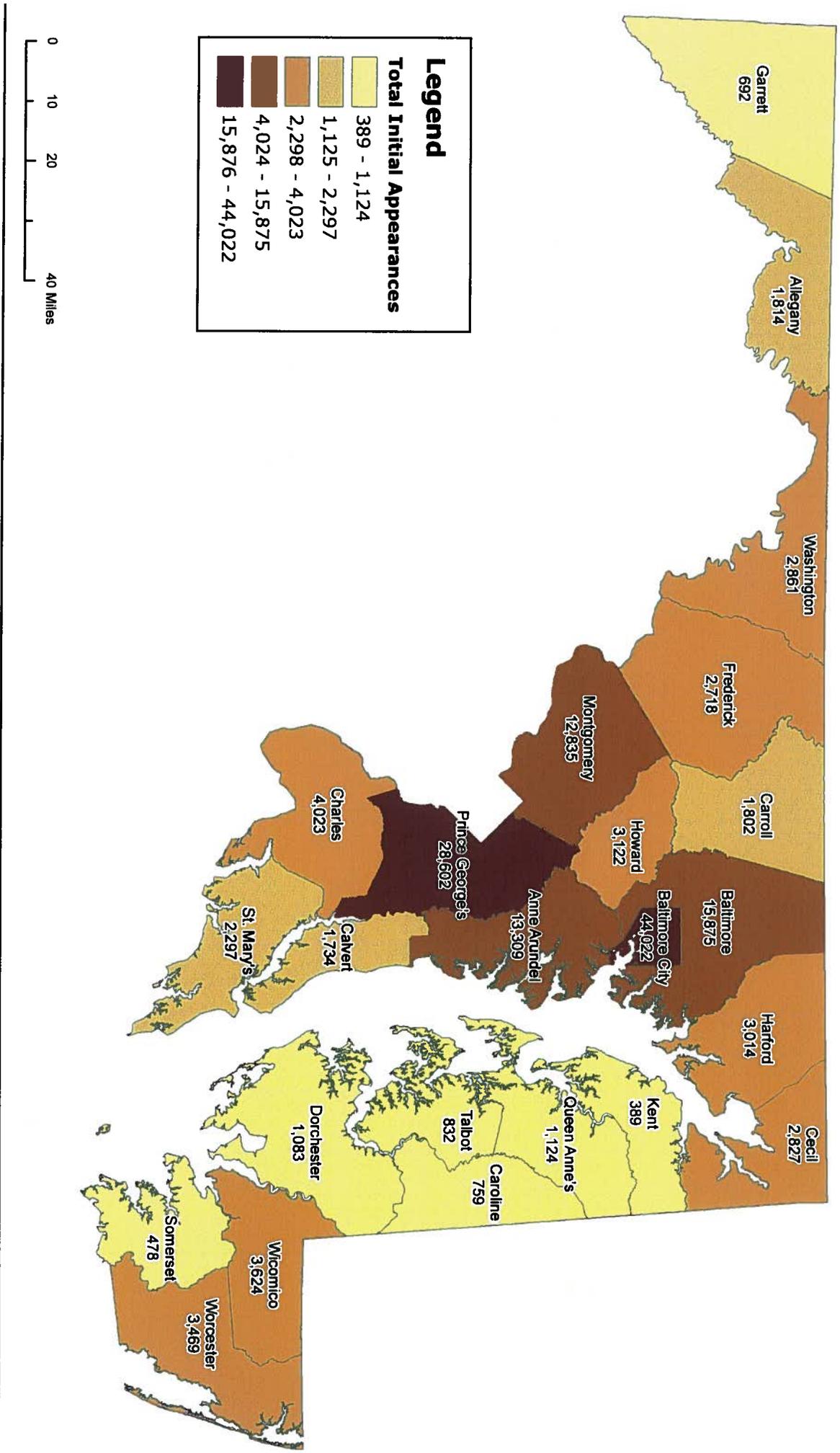
Counties with Formal Pretrial Units in Maryland



Source: Governor's Office of Crime Control & Prevention
 Date Extracted: June 17, 2014
 Map Created: June 2014



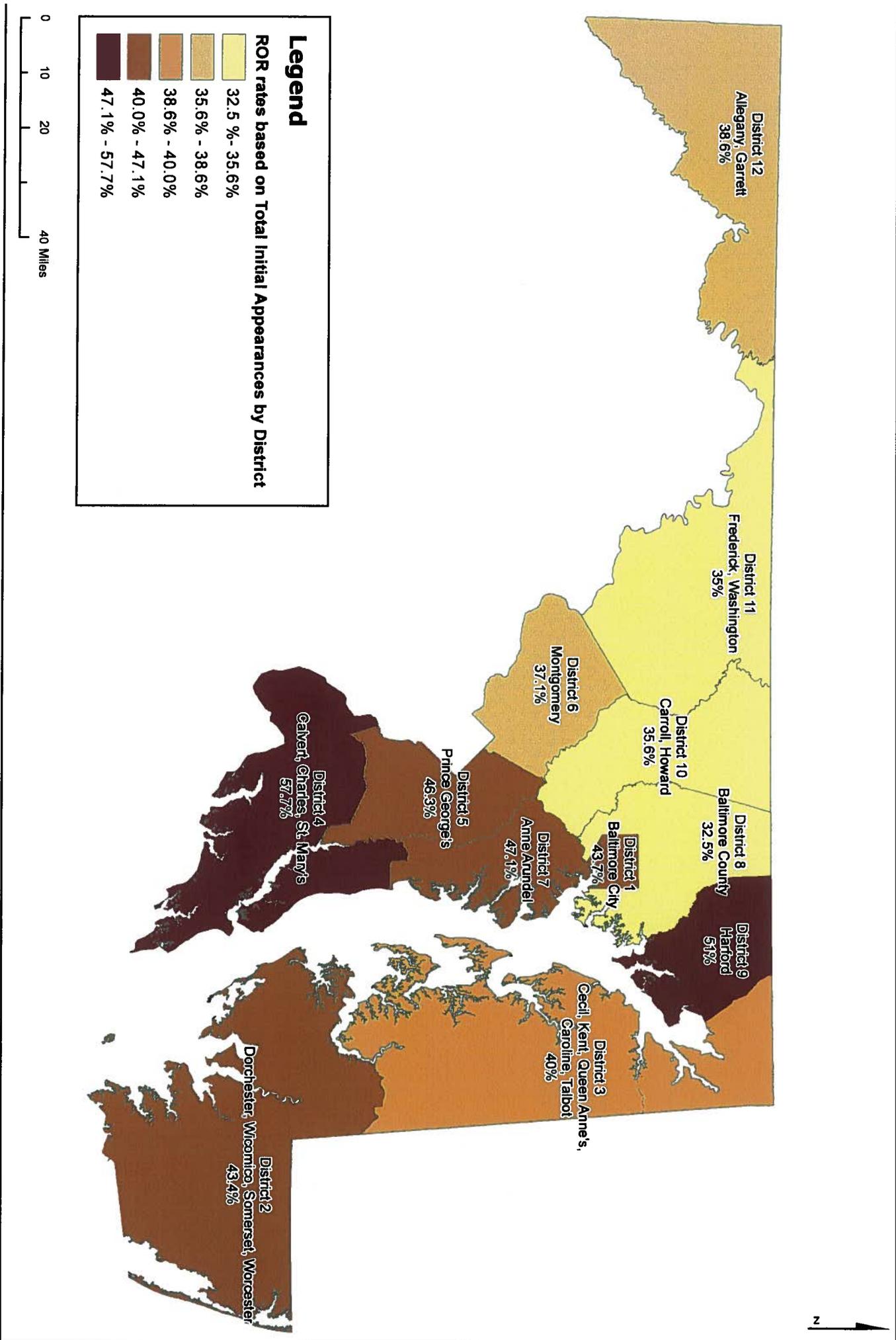
2013 Initial Appearances by County in Maryland



Source: Maryland Judiciary
 Date Extracted: June 17, 2014
 Map Created: June 2014



2013 Release on Recognizance (ROR) Rates by District in Maryland



Legend

ROR rates based on Total Initial Appearances by District

- 32.5% - 35.6%
- 35.6% - 38.6%
- 38.6% - 40.0%
- 40.0% - 47.1%
- 47.1% - 57.7%



Source: Maryland Judiciary
 Date Extracted: June 17, 2014
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