

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.

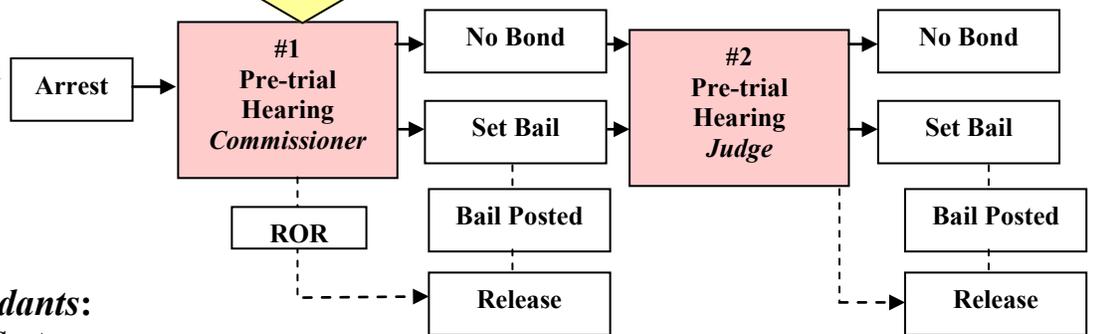
In the existing process, first a court commissioner and then a judge compile the same key factors of a defendant's history and weigh those factors subjectively to make a pretrial release decision.

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.

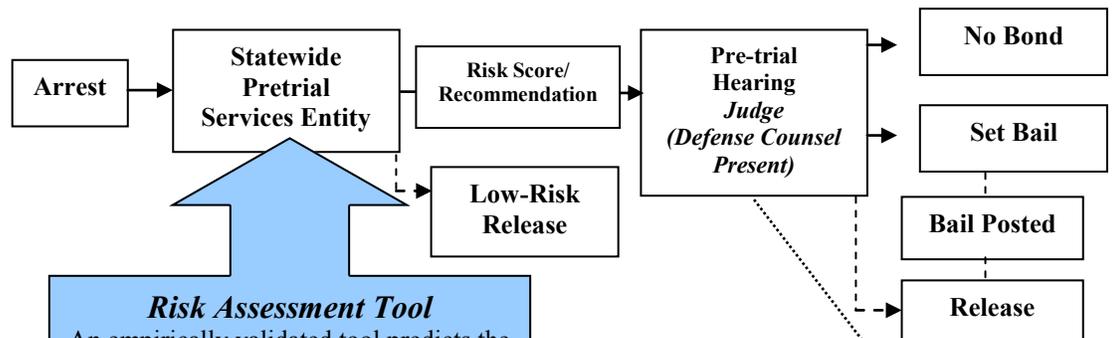
Currently, Maryland does not use a statewide, standardized risk assessment tool to measure a defendant's risk of failure to appear or risk to public safety objectively.

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.