The background of the slide features a large, faint, circular seal of the District Court of Maryland. The seal contains a central figure, likely a person, surrounded by text and decorative elements.

Justice Reinvestment Presentation 13 November, 2019

John P. Morrissey

Chief Judge

District Court of Maryland



JUSTICE REINVESTMENT DATA



Technical Violations

Section 6-101, Correctional Services Article

- “Technical Violation” – means a violation of a condition of probation that does not involve:
 1. A new arrest or summons by a judicial officer
 2. A violation of a criminal prohibition, other than minor traffic
 3. A violation of a no-contact/stay-away order or
 4. Absconding



All cases that had a technical violation sentence since October 1, 2017, regardless of the original sentencing date

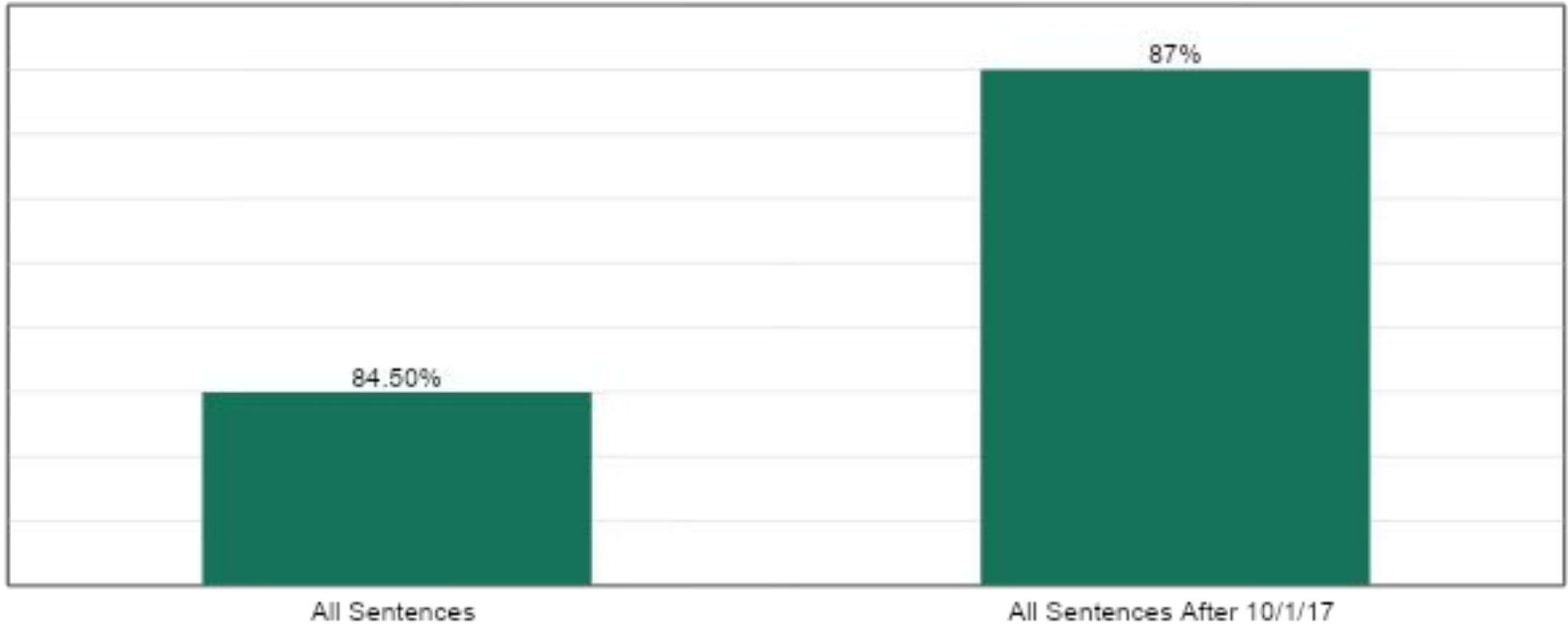
Total sentences for technical violations	310
Number of 15 day or less revocation sentences imposed for technical violations (Number of technical VOP 1 with a sentence of 15 days or less)	222
Number of 30 day or less revocation sentences imposed for technical violations (Number of technical VOP 2 with a sentence of 30 days or less)	27
Number of 45 day or less revocation sentences imposed for technical violations (Number of technical VOP 3 with a sentence of 45 days or less)	8
Number of revocation sentences of more than 45 days imposed for technical violations	31
Number of revocation sentences imposed that were greater than the revocation cap	48
Number of full revocation sentences imposed for technical violations	96

Original sentence occurred on or after October 1, 2017

Total sentences for technical violations	154
Number of 15 day or less revocation sentences imposed for technical violations (Number of technical VOP 1 with a sentence of 15 days or less)	129
Number of 30 day or less revocation sentences imposed for technical violations (Number of technical VOP 2 with a sentence of 30 days or less)	5
Number of 45 day or less revocation sentences imposed for technical violations (Number of technical VOP 3 with a sentence of 45 days or less)	0
Number of revocation sentences of more than 45 days imposed for technical violations	13
Number of revocation sentences imposed that were greater than the revocation cap	20
Number of full revocation sentences imposed for technical violations	44



Compliance Rate 7/1/19 - 9/30/19





BAIL REVIEW DATA



District Court of Maryland
Office of the Chief Judge
580 Taylor Avenue - A-3, Annapolis, MD 21401
Telephone 410-260-1525

John P. Morrissey

Judges/Commissioners:

In light of the recent AG's opinion, the case law relied upon in that opinion, the ABA Criminal Justice Section Standards on Pretrial Release (Third Edition), and current Maryland Rule 4-216, please find below cautionary advice for consideration to help guide you when setting bail.

Letter of Advice Issued late October 2016

1. A defendant should be released on **personal recognizance**, with or without permissible conditions, unless the judicial officer finds that no permissible condition or combination of such conditions will reasonably assure (i) the appearance of the defendant when required, and (ii) the safety of alleged victims, other persons, and the community. If the judicial officer makes such a finding, the Rule requires the basis for the finding must be stated clearly on the record so that it is capable of review.
2. If the defendant cannot be released on personal recognizance, the judicial officer should impose **the least onerous** condition or combination of conditions that will reasonably ensure the appearance of the defendant and the safety of alleged victims, other persons, and the community.
3. The posting of money or other property or the obligation of a compensated surety should be used only when necessary to assure the appearance of the defendant rather than for the assurance of public safety.
4. Financial conditions are not an appropriate way of assuring public safety and should not be imposed for the purpose of assuring the detention of the defendant.
5. If there is any reasonable likelihood of danger to victims, other persons, or the community, the defendant should not be released.
6. Financial conditions should not be imposed if you know or have reason to believe that the defendant is financially incapable of meeting.
7. Financial conditions should not be imposed in order to placate public opinion or to punish the defendant.
8. These principles should be construed to avoid, whenever possible, defendants being detained who do not need to be detained.

John P. Morrissey, Chief Judge, District Court of Maryland



Rule 4-216.1 Pretrial Release Effective 7/1/17

RULE 4-216.1. PRETRIAL RELEASE--STANDARDS GOVERNING

West's Annotated Code of Maryland Maryland Rules MD Rules, Rule 4-216.1

RULE 4-216.1. PRETRIAL RELEASE--STANDARDS GOVERNING

Currentness

(1) **Definitions.** The following definitions apply in this Rule:

- (1) *Appearance; Appear.* “Appearance” or “appear” means the appearance of the defendant in court whenever required.
- (2) *Bond.* “Bond” means a written obligation of the person signing the bond conditioned on the appearance of the defendant and providing for the payment of a penalty sum according to its terms.
- (3) *Collateral Security.* “Collateral security” means any property deposited, pledged, or encumbered to secure the performance of a bond.
- (4) *Compensated Surety.* “Compensated surety” means a person who is licensed to become a surety on bonds written in the county and who charges compensation for acting as surety for defendants.
- (5) *Release on Personal Recognizance.* “Release on personal recognizance” means a release, without the requirement of a bond, based on a written promise by the defendant (A) to appear in court when required to do so, (B) to commit no criminal offense while on release, and (C) to comply with all other conditions imposed by the judicial officer pursuant to this Rule, Rule 4-216.2, or by other law while on release.

Committee note: The principal differences between a personal recognizance and a bond are that the former does not provide for payment of a penalty sum if the defendant fails to appear when required and is not subject to any financial conditions.

- (6) *Special Condition.* “Special condition” means a condition of release required by a judicial officer, other than the conditions that the defendant appear in court when required to do so and commit no criminal offense while on release.
- (7) *Special Condition of Release with Financial Terms.* “Special condition of release with financial terms” means the requirement of collateral security or the guarantee of the defendant's appearance by a compensated surety as a condition of the defendant's release. The term does not include (A) an unsecured bond by the defendant or (B) the cost associated with a service that is a condition of release and is affordable by the defendant or waived by the court.

Committee note: Examples of a condition of release that is not a special condition of release with financial terms are participation in an ignition interlock program, use of an alcohol consumption monitoring system, and GPS monitoring.

- (8) *Surety.* “Surety” means a person other than the defendant who, by executing a bond, guarantees the appearance of the defendant and includes an uncompensated or accommodation surety.



Statewide Averages at Time of Initial Appearance, Before and After New Rule 4-216.1: Released on Own Recognizance and on Unsecured Personal Bond

Figure 1: Statewide - Percent Released on Own Recognizance After Initial Appearance Before and After New Rule 4-216.1

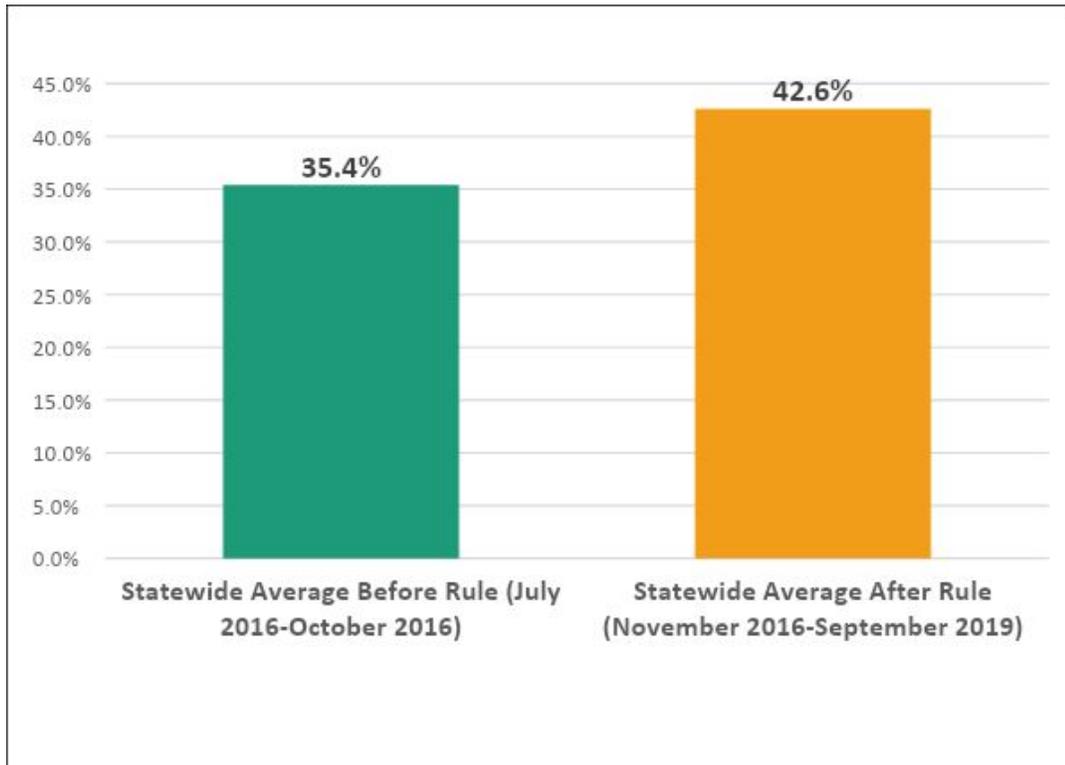
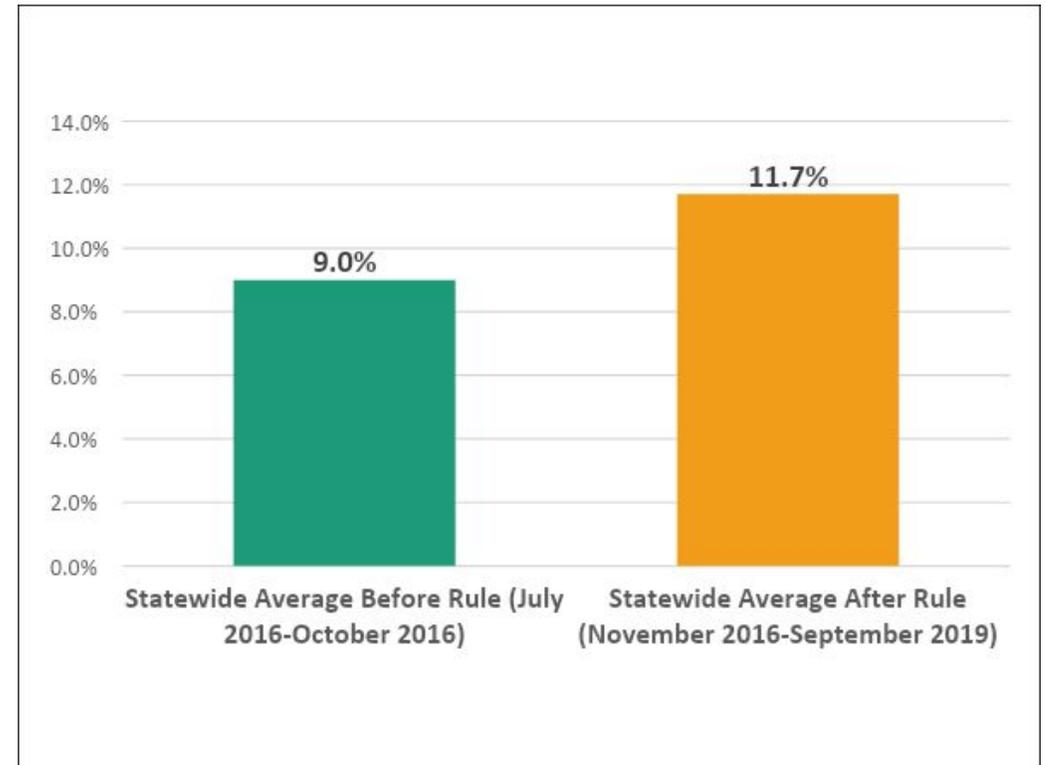


Figure 2: Statewide - Percent Released on Unsecured Bond After Initial Appearance Before and After New Rule 4-216.1





Statewide Averages at Time of Initial Appearance, Before and After New Rule 4-216.1: Held on Default of Bond and Without Bail At Initial Appearance

Figure 3: Statewide - Percent Held on Default of Bond After Initial Appearance Before and After New Rule 4-216.1

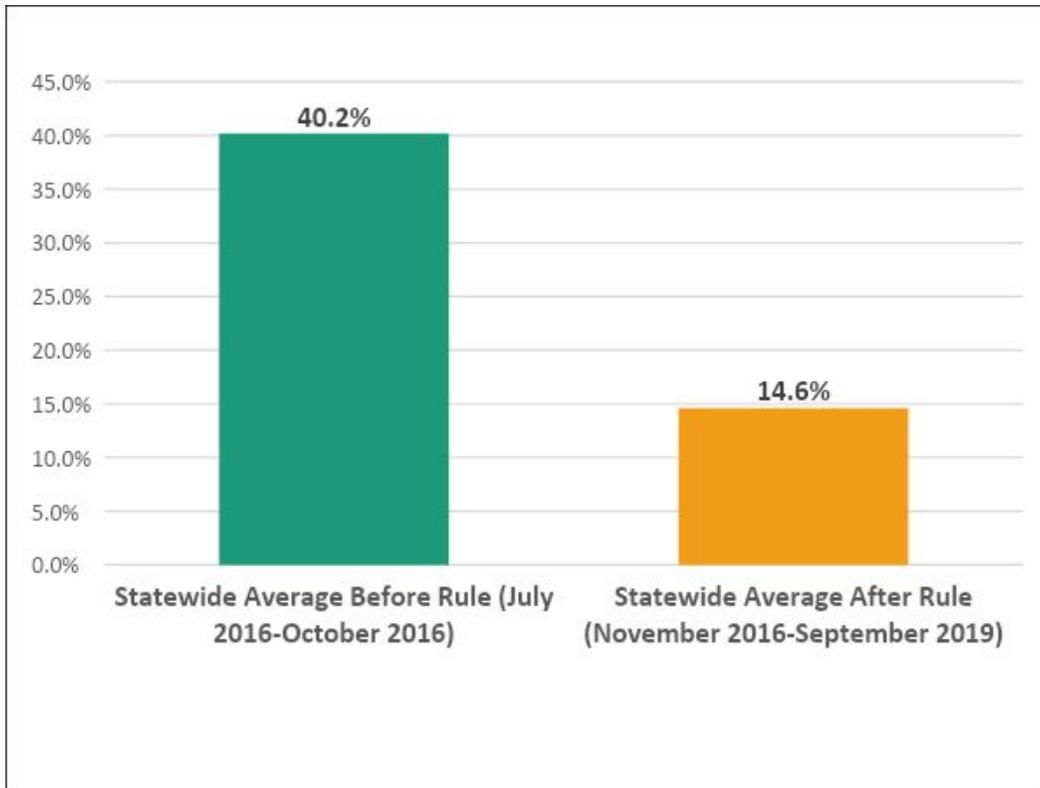
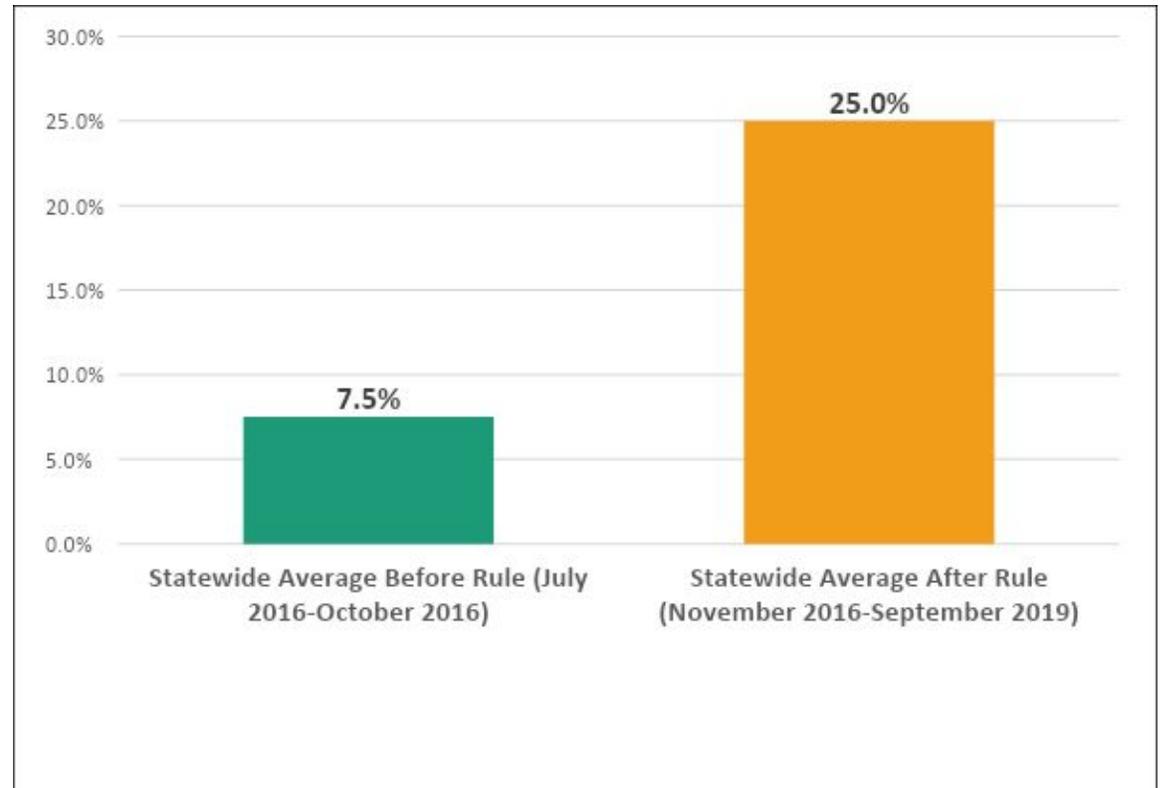


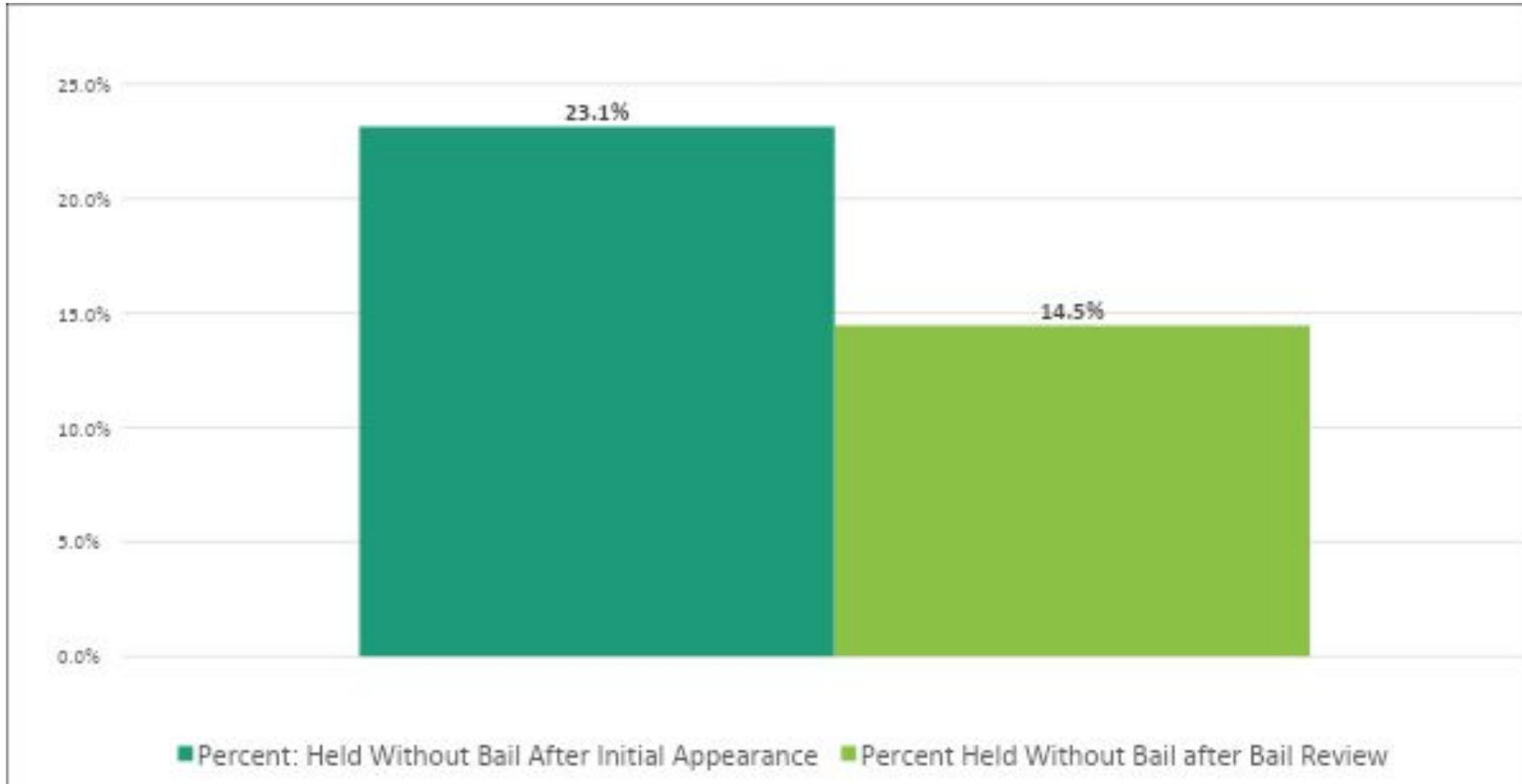
Figure 4: Statewide - Percent Held Without Bail After Initial Appearance Before and After New Rule 4-216.1





Statewide - Percentage Held without Bail at Initial Appearance and After Bail Review, July 2016-September 2019

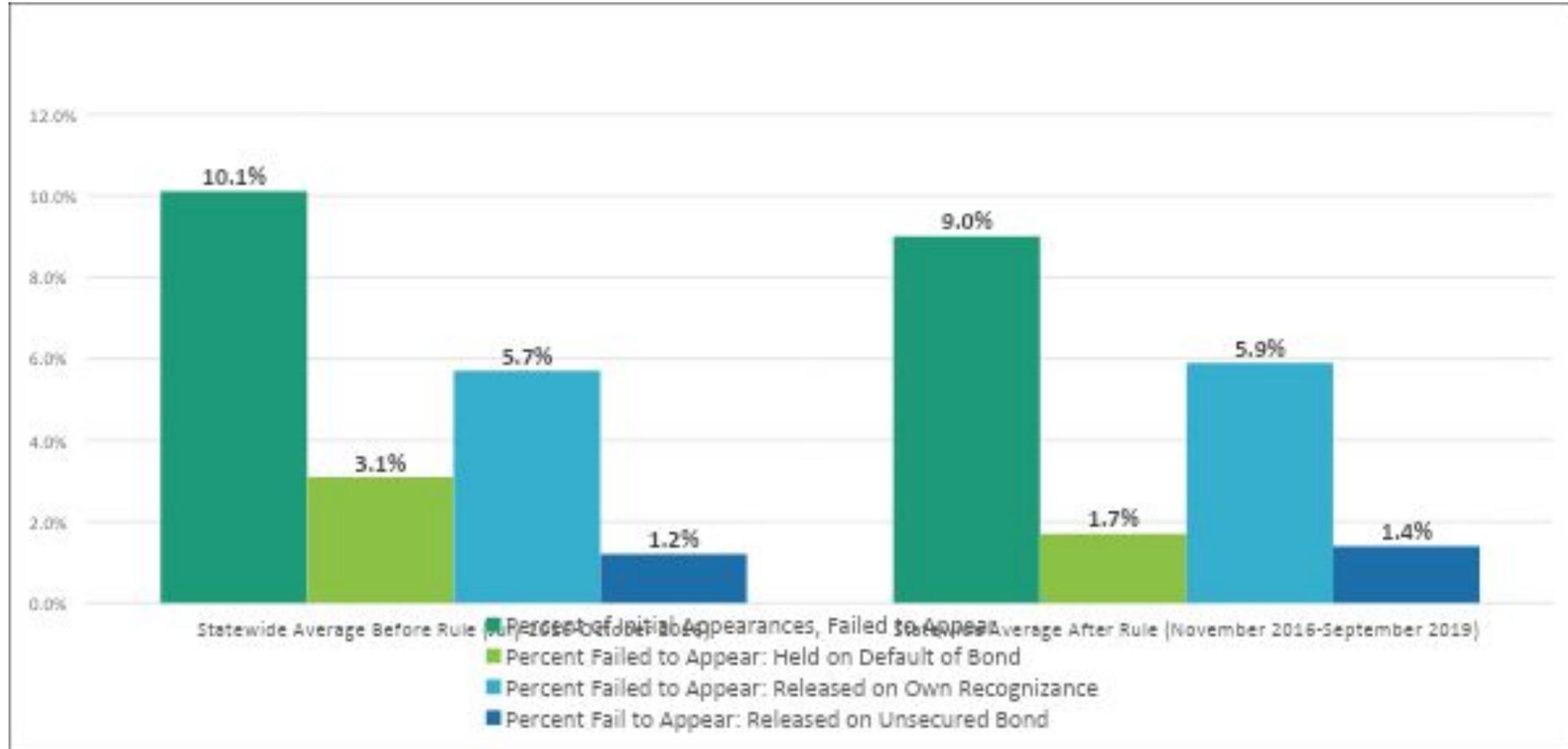
Figure 4: Statewide - Percent Held Without Bail at Initial Appearance and After Bail Review



Statewide Averages, Failure to Appear Overall and by Release Status, Before and After New Rule 4-216.1



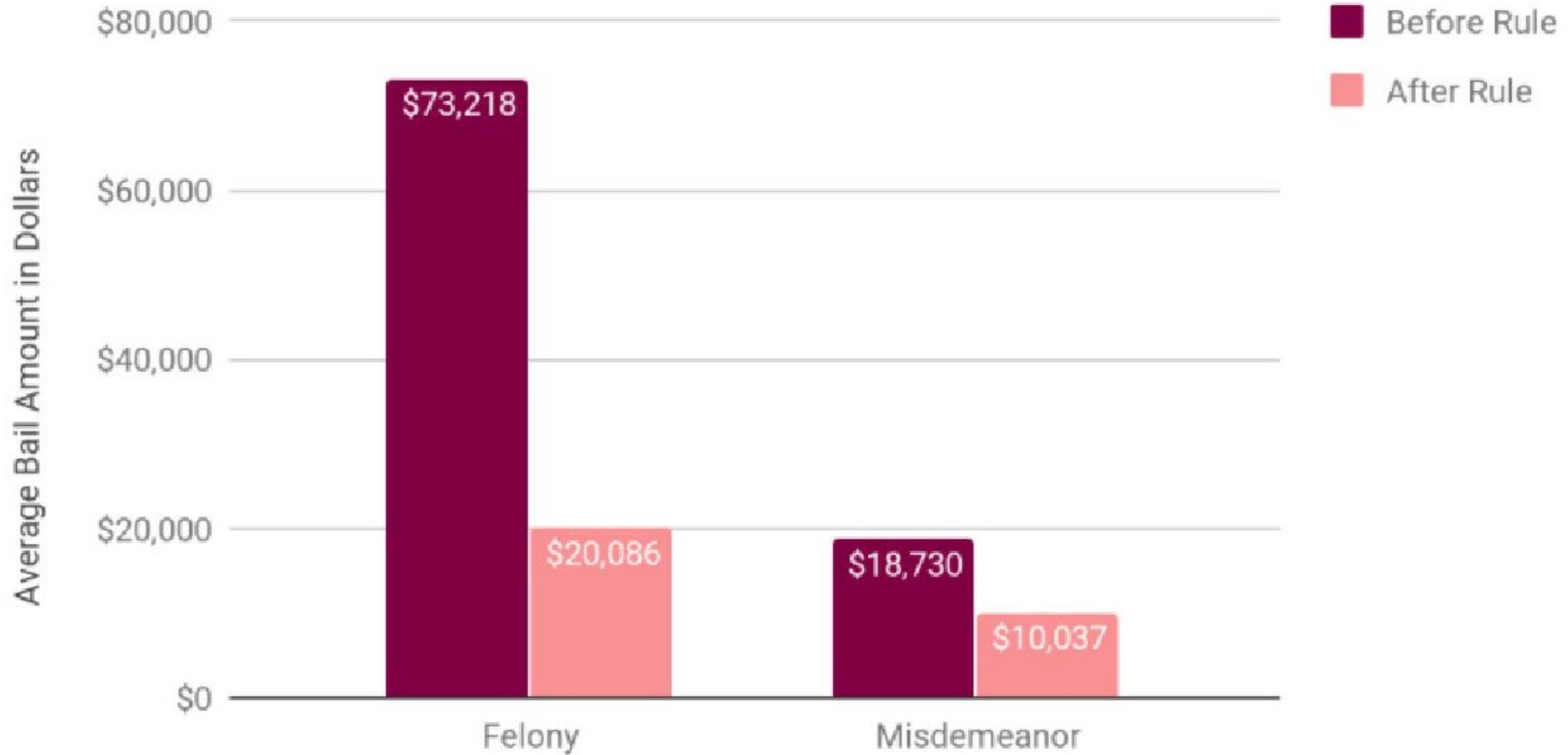
Figure 5: Statewide Averages, Failure to Appear Overall and by Release Status, Before and After New Rule 4-216.1





Average Bail Amount Before and After Rule Change

By Felony and Misdemeanor Charges





INDIGENCY DATA



Indigency Determinations

PUBLIC DEFENDER APPLICATIONS - ROLLING TOTAL															
10/1/2017-9/30/2019	TOTAL APPLICATIONS		APPLICATIONS AT INITIAL APPEARANCES						WALK-IN APPS (INCLUDES PENDING FOUND AT IA)						
LOCATION	ACCEPTED*	COMPLETED*	TOTAL ACCEPTED	TOTAL PROCESSED	ELIGIBLE FOR FED POVERTY ONLY	ELIGIBLE OTHER	INELIGIBLE	DECLINED (TO FILE)*	TOTAL ACCEPTED	TOTAL PROCESSED	ELIGIBLE FOR FED POVERTY ONLY	ELIGIBLE OTHER	INELIGIBLE	% INELIGIBLE	TOTAL IAS
Baltimore City	58266	52512	45483	39911	36400	959	2552	1237	12783	12601	11642	500	459	5.7%	48406
Dorchester	3691	3571	1788	1677	1570	8	99	128	1903	1894	1772	8	114	6.0%	2365
Somerset	2763	2506	1224	988	958	7	23	280	1539	1518	1492	15	11	1.4%	1519
Wicomico	9337	8602	5220	4508	4219	61	228	854	4117	4094	3867	47	180	4.7%	7042
Worcester	7297	5161	4664	2693	2369	22	302	2227	2633	2468	2315	17	136	8.5%	6563
District 2 Totals	23088	19840	12896	9866	9116	98	652	3489	10192	9974	9446	87	441	5.5%	17489
Cecil	11983	10480	7142	5763	5589	14	160	1587	4841	4717	4641	4	72	2.2%	9280
Kent	1815	1646	614	530	510	3	17	277	1201	1116	1069	9	38	3.3%	794
Queen Anne	3292	3037	1512	1327	1172	44	111	400	1780	1710	1558	47	105	7.1%	2062
Talbot	3350	2915	1733	1313	1247	4	62	490	1617	1602	1558	4	40	3.5%	2056
Caroline	3064	2939	1278	1180	1090	14	76	153	1786	1759	1662	26	71	5.0%	1655
District 3 Totals	23504	21017	12279	10113	9608	79	426	2907	11225	10904	10488	90	326	3.6%	15847
Calvert	5958	4904	2852	1894	1754	48	92	1210	3106	3010	2839	58	113	4.2%	3955
Charles	11626	9503	5805	3946	3560	69	317	2144	5821	5557	5303	76	178	5.2%	7058
St. Mary's	6306	5876	3126	2712	2582	20	110	681	3180	3164	3011	33	120	3.9%	3983
District 4 Totals	23890	20283	11783	8552	7896	137	519	4035	12107	11731	11153	167	411	4.6%	14996
Prince George's	52681	43212	36294	27306	25533	525	1248	10068	16387	15906	15161	185	560	4.2%	45839
Montgomery	34868	31048	18610	15114	13248	460	1406	3999	16258	15934	14927	170	837	7.2%	24028
Anne Arundel	34953	30478	18194	14217	12964	587	666	5036	16759	16261	15329	474	458	3.7%	25212
Baltimore County	39270	33846	21954	16703	15240	274	1189	5323	17316	17143	15796	315	1032	6.6%	32128
Harford	9622	9131	4146	3701	3473	114	114	473	5476	5430	5092	246	92	2.3%	6259
Howard	9017	7816	4710	3539	3124	98	317	1484	4307	4277	3912	138	227	7.0%	7284
Carroll	6022	4927	2681	1638	1524	4	110	1279	3341	3289	3126	9	154	5.4%	4160
District 10 Totals	15039	12743	7391	5177	4648	102	427	2763	7648	7566	7038	147	381	6.3%	11444
Frederick	11006	9440	5198	3699	3407	100	192	1894	5808	5741	5503	116	122	3.3%	7898
Washington	10715	9728	5390	4416	4124	28	264	1130	5325	5312	5160	28	124	4.0%	7661
District 11 Totals	21721	19168	10588	8115	7531	128	456	3024	11133	11053	10663	144	246	3.7%	15559
Allegany	6326	5902	3234	2865	2748	17	100	425	3092	3037	2969	13	55	2.6%	4237
Garrett	1563	1411	862	702	653	8	41	167	701	709	679	2	28	4.9%	1178
District 12 Totals	7889	7313	4096	3567	3401	25	141	592	3793	3746	3648	15	83	3.1%	5415
Statewide Totals	344,791	300,591	203,714	162,342	149,058	3,488	9,796	42,946	141,077	138,249	130,383	2,540	5,326	5.0%	262,622

*DATA REPRESENTS THE NUMBER OF APPLICATIONS ENTERED AND THE NUMBER OF FINAL DECISIONS - SINCE VERIFICATION IS NOT AVAILABLE 24/7 AND SOME CASES ARE HELD PENDING DOCUMENT VERIFICATION - THESE NUMBERS WILL NEVER AGREE

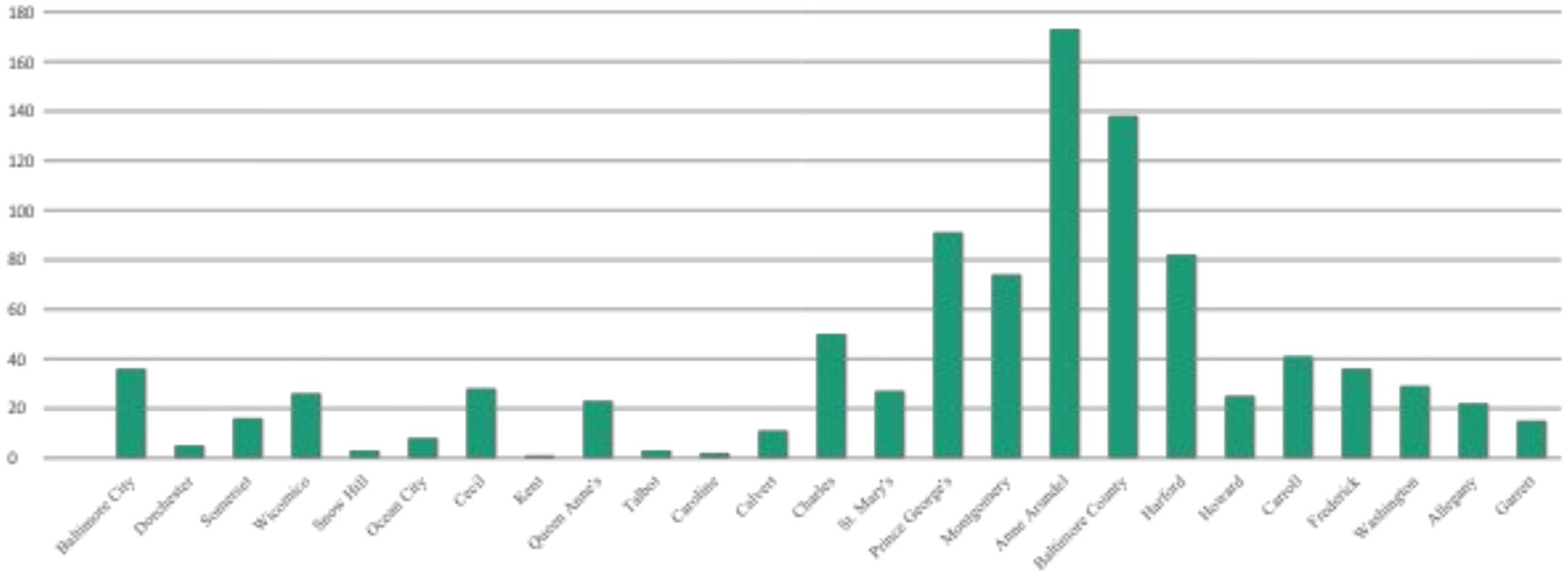


ERPO DATA



Extreme Risk Protective Orders (ERPOs)

Total ERPOs Filed by County
October 2018- September 2019





ERPO Hearing Types

October 2018 – September 2019
All Districts

