



February 19, 2014

TO: Judicial Proceedings

SUBJECT: SB 973 Criminal Procedure – Pretrial Confinement and Release

POSITION: **Support with Amendments**

As Warden of the St. Mary's County Detention Center and President of the Maryland Correctional Administrators Association (MCAA), an organization comprised of our statewide jail wardens and administrators for the promotion and improvements for best correctional practices, please accept this written testimony in **support of Senate Bill 973 with amendments.**

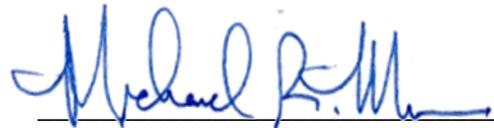
The adoption of SB 973 will change the way all components of the judicial system have done business for decades and the Governor's Office of Crime Control and Prevention (GOCCP) has crafted a good foundation for pretrial confinement and release. However our Association strongly feels elements of the bill require significant modification to meet the needs of local corrections. As such, please find below some of our recommendations for consideration:

1. Establish a Pretrial Executive Director position in concert with the Pretrial Release Commission; similar to the structure of the Maryland Commission on Correctional Standards, and remove the Department of Public Safety and Correctional Services as the statewide oversight agency.
2. Local jail and pretrial services should have equal representation on the Pretrial Release Commission within the designation for membership composition.
3. Guarantee specific statutory language for no reduction in current Commissioner coverage hours and a 24/7 coverage for application of any adopted State Assessment Tool.
4. Judicial hearings must be conducted within 24 hours of arrest, 7 days a week.
5. Ensure the legality of administrative releases by non-judicial officers.

6. Ensure liability coverage by the State for any litigation initiated as a result from the use of the Assessment Tool.
7. Include funding formulas and other language that will be utilized by the designated Pretrial Service to ensure county government is fully compensated for existing and future costs for implementing the new system.
8. Remove “domestically related crime” from the exclusionary component for pretrial eligibility release.

MCAA cannot express its concerns more seriously as to the impact of this legislation, which should not increase the size of our jail populations in Maryland nor create any exemptions that have been in place under the current District Court Commissioner. Consideration must be given to the safeguarding of our institutions as to not overload our infrastructures or collapse existing best correctional practices of pretrial and community supervision within our respective counties.

MCAA has been and will continue to work very closely with GOCCP and the General Assembly in order to come to some common ground on SB 973. We hope you will take our amendments in the spirit of their intent and thank you for allowing us the opportunity to provide input and concerns.



Michael R. Merican  
President