

The Sun

**Hold court in city jail, report says; Public safety study concludes move would save \$21 million; Legislators hear findings; Conclusion pressures Bell to lift opposition to staffing courtroom**

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State public safety officials put a price tag yesterday on the judge's bench in the city jail that most days sits empty: \$21 million.

In a report for the legislature, the Department of Public Safety and Correctional Services estimated that millions of dollars could be saved annually and hundreds of cases could be expedited if a full-time judge with jurisdiction over felony and misdemeanor cases sat in the court.

The report comes as the Baltimore criminal justice system is under attack for repeated trial delays and other missteps that have led to the dismissal of serious criminal charges. The crisis in the courthouse -- and the hefty proposed savings -- place additional pressure on Maryland's Chief Judge Robert M. Bell and Chief Judge of the District Court Martha F. Rasin to reverse their steadfast opposition to placing a judge in the jail.

The report, which was outlined for the legislature yesterday, boils down to a fiscal assessment of what has been a political battle. Legislators say the time has come to stop putting up the fight.

"The idea was to be efficient," said state Del. Kenneth C. Montague Jr., a Baltimore Democrat, who sits on the House Judiciary Committee. "If you do not have that critical piece there, which is the judge, that is inefficient."

But, he noted, the constitutional separation of powers means the legislature can't order the judiciary to do anything.

It does, however, control its purse strings.

Del. Peter Franchot, the Montgomery County Democrat whose committee controls the judiciary's budget, said yesterday that he will subtract funds from the budget for the District Court unless a judge is assigned to the courtroom.

"We have a constitutional responsibility to taxpayers to act on this report," Franchot said. "No one can ignore a \$21 million figure."

Officials want a judge with jurisdiction over misdemeanor cases to preside in the court so minor cases can be quickly disposed of in the jail, preventing more clogging of the city's paralyzed docket. District Court judges are supposed to hear minor cases, but Circuit Court judges, who hear felony cases, could be used if given the authority by Bell -- a move Rasin has opposed.

A circuit judge has been sitting in the courtroom once a week but is only hearing felony cases.

The push has become so strong that House Judiciary Chairman Joseph F. Vallario Jr., a Prince George's Democrat, asked yesterday whether the legislature could change the law so that any judge would have to sit at the jail.

"I'm just not happy with the idea that judges sit around and say, 'We don't sit here and we do sit here.' We have to move that caseload," Vallario said.

Bell said yesterday that he had not seen the report and could not comment about the estimated savings. He said he has not found a reason to place a judge in central booking.

"I have not seen anything to justify it," Bell said. "There has to be a reason to do things."

Opposition to placing a judge at the jail has come from various sources.

Robert F. Sweeney, the former District Court chief judge, adamantly opposed putting a judge in central booking, saying that holding court proceedings in a jail would unfairly induce defendants into pleading guilty to gain their freedom.

Rasin, Sweeney's successor, said that placing a judge there would be "inefficient." Rasin said the report relies on "speculation," adding that splitting up her judges would be inefficient because they couldn't share the workload.

"I think that they are looking for what sounds like a really neat quick fix. It's going after minnows to solve a whale problem," Rasin said. "Where a judge sits doesn't matter. They are doing the cases."

The report calculates the savings by estimating how many cases could be disposed of -- freeing jail beds -- if a judge with authority over misdemeanor and felony cases were present. The report says that number of cases, identified by prosecutors and the felony judge who presides once a week, is in dispute. Some believe the figure is too high.

Stuart O. Simms, secretary of the Department of Public Safety and Correctional Services, stands by the report. He said the writer "did a very conservative, but thorough job."

The report was released after a sometimes-heated hearing about Baltimore's court crisis in which legislators criticized Baltimore State's Attorney Patricia C. Jessamy, police and Administrative Judge Joseph H. H. Kaplan for their response to the crisis.

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Caption:  
At hearing: Administrative Judge Joseph H. H. Kaplan testified before a House committee.

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