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Judicial conflict spills into budgeting
Booking center dispute evolves into battle over fiscal cuts to courts

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A continuing battle over whether a district judge should handle cases in the Baltimore Central Booking and Intake Center has boiled over into a rare political fight between the state's top judge and the legislators who control his budget.

The acrimony stems from \$6.2 million in cuts made by a House subcommittee, led by Del. Peter Franchot, from the \$207 million the judiciary has requested to run the state's court system. Those cuts are \$3 million greater than those imposed by the Senate.

Franchot's subcommittee adopted, but later dropped, language that made another \$200,000 in the budget contingent on the placement of a judge in the booking center.

As House and Senate leaders negotiate over budget differences next week, some judiciary cuts could be restored. The bad feelings they've engendered, however, could remain.

The booking center issue is so contentious that Joseph H. H. Kaplan, who as administrative judge of Baltimore Circuit Court has been a vocal proponent of putting a district judge in the booking center, no longer will even comment on it.

Meanwhile, Kaplan's boss, Chief Judge Robert M. Bell of the state Court of Appeals, has written an angry letter to the chairman of the House Appropriations Committee, saying Franchot is attempting to "micro-manage" the courts.

Under the Maryland Constitution, the judiciary's budget is not reviewed by Gov. Parris N. Glendening but goes right to the legislature, which may add or subtract items without executive review.

In a March 18 letter to committee chairman Del. Howard P. Rawlings, Bell wrote that this year's budget process had "lacked the fairness and comity due a co-equal branch of government." He said \$2.4 million of the House reductions, imposed beyond the amount recommended by a fiscal analyst, were particularly intended to threaten court operations "by what can best be described as draconian measures," including a \$1 million cut in office supplies.

Franchot said this week that the cuts were largely intended to absorb a 10 percent increase in judicial salaries approved this session, not to punish Bell for his unwillingness to put a District Court judge in the booking center.

"We're going to continue a very vigorous review of the judiciary budget for the foreseeable future," the delegate said. "The judiciary doesn't like it because it is a new message."

With a generous pension plan and the pay raise, Franchot said, "I think they'll have some difficulty saying that they can't have a tighter budget to absorb that."

Legislators also are getting a pay raise this year -- 6 percent over four years, on the recommendation of a special commission.

Rawlings, a Baltimore Democrat, said yesterday that while the Appropriations Committee backed the cuts, he personally considers them excessive. He defended the subcommittee's effort to bring greater scrutiny to "this private fiefdom" but expressed misgivings about using the Assembly's budget powers to force policy changes on the judiciary.

"We have to be a little more sensitive to the separation of powers," Rawlings said. "We try not to legislate in the budget."

Sen. Barbara A. Hoffman, chairwoman of the Senate Budget and Taxation Committee, opposed the House approach.

"Peter Franchot has been really harsh on the judiciary," said Hoffman, a Democrat who represents Baltimore and Baltimore County. "You should not show disrespect to the chief judge. When you cut a budget deeper than anyone would believe is sustainable, it begins to look punitive."

Hoffman said Senate negotiators would "work hard to moderate the cuts" in conference committee.

Legislators, judges and state prison officials have long debated the Central Booking problem. Attempts at compromise have largely failed.

A University of Maryland study completed for the state Department of Public Safety and Correctional Services, which oversees Central Booking, recommended placing a judge there to resolve cases earlier, reducing the time defendants spend in jail at a cost of \$55 a day. By some estimates, having a judge to dispose of those cases would save the state \$5 million to \$7 million a year.

Kaplan has assigned a Circuit Court judge to hear cases at the jail one day a week, but that judge does not have the authority to hear petty crimes that tend to clog the system. In the past he has asked that a circuit judge be "cross designated" as a district judge to handle those cases, but has been rebuffed.

In another study, Martha F. Rasin, chief judge of the District Court of Maryland, said a judge wasn't needed at the center, and that the same objectives could be achieved by using video technology for hearings and making greater use of home detention, which costs less than jail.

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.

In his letter, Bell would not say whether he agreed with Sweeney. He wrote that Rasin had "carefully studied" the issue, and deferred to her judgment. "Until such time as I am persuaded that cross designation is the proper and required step I will exercise my constitutionally protected independence to manage the judiciary in a manner which will best serve the interests of Maryland's citizens, free from outside interference," he wrote.

In an interview, Bell declined to comment on his letter. "I really don't want to talk about this thing," he said.