

The Sun

What's \$130 million to resistant judges? Courts: Maryland taxpayers shoulder huge expenses because broken justice system shuns reform; Getting away with MURDER

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FOUR YEARS after Maryland taxpayers built the \$54 million Central Booking and Intake Center in Baltimore, the 811-bed facility is so overcrowded that corrections officials say an additional 1,500-bed complex might be needed. Projected price tag: \$130 million to build and \$25 million a year to operate.

There is a far cheaper alternative.

With a few key changes, the packed booking center could begin functioning the way it originally was supposed to -- but never has. That would eliminate the urgent need for an expensive addition while saving taxpayers millions of dollars a year.

So what's the holdup? Baltimore's criminal justice agencies are so protective of their turf and internal procedures that they cannot agree on how to make central booking work better.

Case in point: Last week the state Department of Public Safety and Correctional Services, which administers central booking, offered several proposals for improving the operation of the overburdened facility. The agency's main recommendation was that a full-time judge should be posted at central booking to expedite cases.

Court of Appeals Chief Judge Robert M. Bell and Chief District Judge Martha F. Rasin quickly spurned the idea, saying such a judge is not needed.

Another recommendation involved the creation of a night court to weed out minor cases and slash backlogs. Such courts have operated with success in New York City for decades. Again, judges said the change was unnecessary.

No rush

Meanwhile, Chief Judge Bell expressed serious reservations about yet another proposal -- that the locally funded circuit courts be taken over by the state so they could operate more efficiently. He wants the matter studied.

It was. In 1996, the Commission on the Future of Maryland Courts recommended statewide consolidation of circuit courts.

The Sun's Feb. 14 editorial, "Getting away with murder," described how organizational inefficiencies and jurisdictional jealousies have contributed to the inability of Baltimore's criminal justice system to curtail the city's frightening number of murders. Baltimore homicides exceeded 300 for the ninth consecutive year in 1998, though killings nationwide have plummeted nearly 40 percent since 1991.

Detention cells are jammed, courts backlogged. Frequent postponements are dead ends to prosecutions. Last year, an astounding 36 percent of serious felony cases assigned to Circuit Court violated state speedy-trial rules because they were more than 180 days old. The horrifying result: Judges have ordered murder and armed robbery cases dropped solely because they have been postponed too long.

The judiciary's reaction to The Sun's editorials on the crisis has not been reassuring. There is no resolve; instead, the finger pointing continues.

Take the solutions proposed to fix central booking, a facility that was supposed to be a one-stop lockup where suspects would be charged quickly and have their cases sorted out in an on-site court.

Central booking doesn't operate that way. The criminal justice agencies have not been able to cooperate smoothly. Their computers do not even interface. Long delays in booking, overcrowding and long periods of pre-trial incarceration are common.

All of this is at taxpayers' expense.

Pre-trial incarceration is particularly problematic -- and costly -- because in Baltimore preliminary hearings are typically held 30 days after arrest. Defendants too poor to make bail are jailed, even though the charges often are not serious.

According to a recent University of Maryland sample, one in five defendants at central booking was unable to make bail and was jailed an average of 65 days before trial at a cost of \$50-\$70 a day. Yet in the end, only 46 percent of the accused were found guilty of any offense.

Such widespread, arbitrary pre-trial detention is not only costly but conflicts with our society's professed belief that everyone is innocent until proven guilty.

A fairer way

Many experts believe the center could operate far more efficiently -- and more fairly -- if:

City prosecutors, instead of police, charged suspects, weeding out weak cases. City officials agree this should be done. But the chief prosecutor, Baltimore State's Attorney Patricia Jessamy, says she lacks the legal authority to do so, though other disagree.

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A full-time judge could hear both district and circuit cases at central booking. If bail reviews were simplified this way and early pleas taken, overcrowding at central booking and at the adjoining city detention center could be reduced. Also, prosecutors could use the court to drop charges or place them on the inactive docket. However, the state's top judges object to the change.

Defendants were provided legal representation at bail review hearings and arraignments. This could drastically reduce the number of suspects jailed because they would not have to be held for 30 days to wait for their initial hearings. To date, this change has been stymied by bureaucratic concerns over budgets and turf.

Early representation

Two measures before the General Assembly -- House Bill 889 and Senate Bill 335 -- would obligate the state Public Defender's Office to provide legal representation at bail hearings, using its own staff or private lawyers.

That reform alone, while significant, would not be enough. What is also needed is a full-time judge authorized to hear both district and circuit cases at central booking on a flexible schedule that includes holidays.

Currently, the District Court, which is the entry point to criminal defendants, is closed on holidays. Last year, for example, suspects who were arrested after 7 a.m. the Wednesday before Thanksgiving did not have bail review hearings until 11 a.m. Monday, when 408 cases had to be processed. This is inexcusable -- and costly to taxpayers. That weekend's booking and detention costs for those defendants alone amounted to about \$143,000.

If the changes described above were implemented, savings to the Maryland taxpayers could amount to a whopping \$21 million a year, according to the public safety department's report. (That includes the \$523,000 annual cost of holding five-day court at the booking center.)

Yet even this compelling savings projection is not enough to convince an arrogant judiciary to take a more flexible and less parochial view of proposed changes.

We firmly believe in an independent judiciary. But there is a difference between independence and obstructionism. The judiciary's refusal to consider any common-sense strategies to defuse the criminal justice crisis in Baltimore is wrong-headed and dangerous to Baltimore residents.

The various branches of the judiciary will have their budget hearings before the General Assembly this week. Legislators would be derelict if they squandered this opportunity to demand long-overdue reforms from the courts.

Vague promises are not enough; strict timetables are needed.