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**Jail court operation in dispute
Circuit judges unable to dispose of misdemeanor cases
'It's a very radical idea'
Wider authority would be needed to ease backlog**

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Vernell Wooden sat before the judge in the courtroom at the Baltimore Central Booking and Intake Center, looking for a break. His crime: carrying an open bottle of Banana Red wine on city streets.

If the 2-month-old central booking court were operating the way criminal justice officials have wanted, Wooden's case might be closed by now. And Wooden, who has been in jail since May 8 awaiting trial, wouldn't be costing taxpayers \$55 a day at central booking for an alcohol charge.

But the court isn't working the way officials had planned. They say misdemeanor cases like Wooden's are clogging the arteries of the city's criminal justice system, keeping the detention center crowded and costing taxpayers a bundle.

The court has become the source of a heated, emotional squabble within Maryland's criminal justice system. It appears that some officials in Maryland's judiciary don't agree on how the court should operate -- or whether it should exist in a jail at all.

"It's a philosophical disagreement," said Circuit Judge Vincent J. Femia, who has been sitting on the bench at the court since it opened April 2.

But opponents of the court, the District Court administration, say it's more than that.

"It's a very radical idea to say, 'Well, just bring the courts to the prisons,'" said Judge Martha Rasin, chief of District Court.

Only a circuit judge sits once a week at the central booking court hearing bail reviews and taking pleas for Circuit Court cases, which make up just 10 to 20 percent of the caseload.

Much of the controversy stems from the inability of a circuit judge to dispose of such misdemeanor cases as Wooden's. Although Femia can consider a bail reduction in those cases -- as he did last Wednesday for Wooden -- he can't make a judgment in the case itself because he has only Circuit Court jurisdiction. Misdemeanor cases are handled by the District Court. Femia did not grant the bail reduction.

For the central booking court to function the way it was intended, some judiciary and correctional officials say, it would require a district judge or an expansion of the Circuit Court's authority to handle District Court cases -- power referred to as cross designation. If the court functions at the level that its planners hope, it would reduce the number of days that beds are occupied at central booking by an estimated 206,000 a year, according to Faye Taxman, an associate professor at the University of Maryland College Park who is a consultant for central booking. The center has 811 beds.

However, the impact during the first two months of operation has been minimal, Taxman said. "The impact is people are being detained awaiting trial when they could actually have had some movement in their cases."

And if no District Court authority is added to the central booking courtroom, crowding in the jail and the cost to taxpayers will worsen, says Bishop L. Robinson, secretary of the Department of Public Safety and Correctional Services.

"If arrests continue to escalate and we're not able to reduce the length of stay we will have to build another facility," he said. Robinson said misdemeanor cases make up 62 percent of the 70,000 arrests in the city each year. Many of those, he said, could be resolved at the central booking court.

But the District Court's administration has opposed the central booking courtroom since it was proposed. And it doesn't seem likely that that will change unless the Circuit Court can prove the effectiveness of a booking center courtroom.

District Court officials say they believe they've handled their operation well and don't see an advantage to setting up at central booking. Inmates are transported from central booking to District Court when their cases are scheduled. Bail hearings of all inmates are held at the booking center.

"For me to take a clerk, a bailiff, a judge and computer equipment to the jail is not a good use of our time and resources," Rasin said. "I don't feel like I'm in a fight with any other judges. I'm just trying to do what's best for the District Court.

"We never expressed any interest at all in putting a judge in the jail," she said.

In addition to the concern about expending resources in the central booking court, District Court officials also worry about the public perception of holding court in a jail.

When the District Court was created in 1971, court was held wherever space was available, including a Bowie church, a Masonic Lodge in Seat Pleasant, a High's store in Baltimore County and sometimes in police stations around the state -- raising the eyebrows of some observers.

"It was thought at that time that there is a misperception that somehow the judge and the court personnel were affiliated with the police," Rasin said. "It has to be perceived as independent."

Said Mary Ellen T. Rinehardt, administrative judge of the Baltimore District Court: "I'm opposed to it on many grounds. I'm opposed to the trivialization of the judiciary by putting it in a jail. I don't believe it's needed."

Femia said he believes otherwise and that the real issue is that some judges just don't like working in a jail, handling only bail reviews and guilty pleas.

"Somebody said, 'Why would you sit in a penal facility and hold court?' I said, 'Will it help?' " said Femia, sitting in his chambers at central booking with empty bookshelves and only a telephone on his desk. "Would it be nice to sit in one of those neat-o courtrooms in the Mitchell Building? Sure, but if dignity stands in the way of justice, dignity has to go."

Judge Joseph H. F. Kaplan, administrative judge of the Circuit Court, who proposed the central booking court, said he believes the court is essential to help the justice system economize.

He is proposing that the circuit judge who sits at the central booking court be given "cross designation" so that guilty pleas can be taken for District Court cases, if a district judge is not assigned to the court.

"I want to clean up that process," Kaplan said. "It's just that we're limited to our court. We can't handle District Court cases, which are by far the lion's share of the docket up there.

"What's up there has worked well," he said. "It's what we can't have up there that's the problem."

Judge Robert M. Bell, chief of the Maryland Court of Appeals, said he is awaiting a report from Rasin, who is studying the issue and is expected to inform the General Assembly next year about her findings. Some members of the Assembly already are calling for a district judge at the central booking court.

"We have a real obligation to the taxpayers to make that state investment work," said Del. Peter Franchot, a Montgomery County Democrat. "Everybody in government is making changes. We need as soon as possible to have a District Court judge in there."

Meanwhile, people such as Wooden languish in the system. If Wooden had wanted to reach a plea agreement with the judge, Femia could not have accepted it. All Femia could do was listen to Wooden's request for a bail reduction, which was denied.

"When I was asked to sit in this court, I knew nothing of the storm surrounding it," Femia said. "But I wonder, why are we keeping people in jail for driving with a suspended license and drinking some cheap wine? I mean, \$55 a day."

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