

The Sun

Central booking judge is a welcome first step; Grudging change: Combined with other fixes, promised reform could produce improvements; Getting away with MURDER

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MARYLAND'S TWO top jurists' reluctant about-face on assigning a judge to Baltimore's jail is a move in the right direction. But until the details are worked out, this seeming concession might fairly be viewed as little more than a way to save the judiciary from the legislature's threatened budget ax.

Chief District Judge Martha F. Rasin has amply documented her opposition to assigning a judge to Baltimore Central Booking and Intake Center. Her views have not changed. "I stand by my assessment that it is not the best use of judicial resources," she told a legislative hearing in Annapolis on Tuesday.

Yet she said she was willing to try the plan. Court of Appeals Chief Judge Robert M. Bell endorsed the experiment, saying the dispute "has been a distraction and we want that to be behind us."

Until Chief Judge Rasin's announcement, Del. Peter Franchot's public safety subcommittee had been considering budget cuts to make the judges more cooperative. By exhibiting willingness to compromise, the judges achieved two things: They defused the budget threat, and they moved the controversy from the legislative arena to a less public one, where details can be negotiated under less pressure.

When a newly restructured, informal Criminal Justice Coordinating Council takes up the matter on Wednesday, it will have to decide what a judge should do at central booking. Among questions that need to be resolved:

Will the new judge be empowered to hear misdemeanor and felony cases? (The crimes normally are split between District Court and Circuit Court, respectively.) And will the new judge conduct bail review hearings at central booking or will hearings be conducted by another judge half a mile away through a video linkup?

These are pivotal questions because Chief Judge Rasin insists the district caseload cannot keep a full-time judge busy.

Will the court at central booking operate on one or two shifts and cover weekends and holidays?

The courts currently operate Monday through Friday, and influential judges are against extending the workweek to include night and weekend hours. Yet to be cost effective, weekend and holiday operation is needed at central booking. Otherwise, defendants too poor to bail themselves out will continue to be warehoused there at public expense during long weekends without appearing before a judge.

Posting a judge at central booking is not a panacea for Baltimore's awesome criminal justice crisis. The move's restorative impact on the Circuit Court, in particular -- which has been beset by huge backlogs and chronic postponements -- is limited. Jury trials or trials requiring witnesses are nearly impossible to conduct at central booking because of security considerations.

Therefore, the benefits of the new court would be essentially limited to four areas:

Initial bail reviews, making the cumbersome video system unnecessary and freeing up District Court docket time.

Expedited pleas, eliminating costly transportation to off-site courts and reducing docket time in both courts.

Prisoner escape cases, saving transportation costs and diminishing Circuit Court docket time.

Habeas corpus hearings to determine whether a prisoner is held lawfully, cutting down transportation expenses.

In its Feb. 14 editorial, "Getting away with murder," The Sun detailed how bureaucratic inefficiencies and turf jealousies contribute to the inability of Baltimore's criminal justice system to address the city's high number of murders, which has topped 300 for nine years.

A judge at central booking is a necessary step toward rectifying this situation. But it is only a first step. Watchfulness by the public and politicians is needed now to make sure the criminal justice bureaucracies use this initial progress to overhaul the system.