



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman and
Members of the Judiciary Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: January 21, 2020

RE: **HB 49 Criminal Procedure – Pretrial Release – Pretrial Risk Assessment
Instruments**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE HB 49. This bill would require a jurisdiction that uses a “pretrial risk assessment instrument” to determine the eligibility of a defendant for pretrial release to have an independent validation study of the instrument conducted at least once every three years.

MCPA and MSA understand the value of validating pretrial risk assessment instruments, but are concerned the bill as currently structured would deter jurisdictions from using such instruments. Currently, 18 jurisdictions in the State have pretrial services programs that vary in scope and some use a pretrial risk assessment tool. For those using a pretrial risk assessment, some have a validated assessment, while others do not.

It is MCPA and MSA's understanding that a sufficient validation could take up to three years, which means a jurisdiction's pretrial assessment tool would be under continuous validation. Cost of the validation varies across jurisdictions, with some as high as \$105,000 for this first validation and others estimating as low as \$10,000 according to the fiscal note. Costs would grow exponentially if budgeted for every three years. MCPA and MSA believe the 3-year time frame and cost could deter jurisdictions from using these tools.

MCPA and MSA is aware of amendments to be offered by MACo to create a more reasonable timeframe and provide funding for the validation. MCPA and MSA are supportive of MACo's approach to address its concerns.