



## Department of Public Safety and Correctional Services

### Office of the Secretary Office of Government and Legislative Affairs

45 Calvert Street, Suite B7A-C, Annapolis MD 21401  
410-260-6070 • Fax: 410-974-2586 • www.dpscs.state.md.us

STATE OF MARYLAND

LAWRENCE J. HOGAN, JR.  
GOVERNOR

BOYD K. RUTHERFORD  
LT. GOVERNOR

ROBERT L. GREEN  
SECRETARY

RACHEL SESSA  
CHIEF OF STAFF

CHRISTOPHER McCULLY  
DEPUTY SECRETARY  
ADMINISTRATION

J. MICHAEL ZEIGLER  
DEPUTY SECRETARY  
OPERATIONS

CAROLYN J. SCRUGGS  
ASSISTANT SECRETARY

GARY McLHINNEY  
ASSISTANT SECRETARY

CATHERINE KAHL  
ACTING DIRECTOR

**BILL:**                   **HOUSE BILL 49**  
                              **SENATE BILL 68**

**POSITION:**       **LETTER OF INFORMATION**

**EXPLANATION:** This bill will require the Pretrial Services Program to re-validate the risk assessment instrument used to make recommendations to the Court in determining the pretrial release status of defendants arrested in Baltimore City at least once every three years.

### **COMMENTS:**

- The Department's Division of Correction operates approximately 17 State correctional facilities which house offenders sentenced to incarceration for 18 months and longer. The Department also runs the Baltimore City Jail, under the Division of Pretrial, Detention, and Services (DPDS), which houses pretrial detainees and inmates sentenced to incarceration for 18 months and less.
- The Department's Pretrial Services Program (PRSP) falls DPDS as a critical component of the Baltimore City Jail's operations. PRSP is responsible for supervising those offenders who have been released from the Baltimore City Booking and Intake Center under supervision and are awaiting their trial.
- PRSP is responsible for making recommendations to the Judiciary as to a defendant's pretrial status. PRSP investigates the pretrial detainee's background, and uses a risk instrument to provide the Court with a recommendation as to a defendant's pretrial release status. This would include release on recognizance, release under supervision of Pretrial Services or hold defendant on monetary bail or without bail. Further, if an offender is released under pretrial supervision in Baltimore City, PRSP provides the court with information concerning violations of conditions of release which could be in the form of requesting a bench warrant depending on the level of violation.
- The Department's PRSP is very successful and has been cited as a national model by the Open Society Institute<sup>1</sup> based on the low failure to appear rate and rearrest rates for those individuals under the pretrial supervision of PRSP. Specifically, the failure to appear rate of an individual under the pretrial supervision of PRSP (failure to appear before the court for trial) was less than 5% for fiscal year (FY) 2019 while the rearrest rate for an individual under the supervision of PRSP was 1.33% for FY 19.

- PRSP has utilized a validated risk assessment tool since 2003. The tool was revalidated, through a partnership with the Baltimore City State’s Attorney’s Office, in 2018. The system is automated and is utilized using the defendant's security identifier number (SID) number, and responds with a risk level of low, low medium, medium and higher.
- National standards indicate that re-validating a pretrial risk assessment instrument every 5 years is sufficient, and every 3 years when a jurisdiction has “borrowed” an instrument from another jurisdiction. As such, this bill’s blanket proposed mandate of revalidation every 3 years is unnecessary.
- The Department’s policies, practices, and procedures continue to change and evolve as science and evidence based national best practices change and improve over time. It is imperative the Department’s operations have the ability to remain nimble based on the ever-changing framework of the criminal justice arena. This bill would create a statutory mandate on an area in the criminal justice system that is similarly subject to change.

**CONCLUSION:** The Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates on House Bill 49 and Senate Bill 68.

---

<sup>i</sup> Open Society Foundation, Steps in the Right Direction, Maryland Counties Leading the Way in Pretrial Services, January, 2018