



SENATE BILL 0456

RICH GIBSON, HOWARD COUNTY STATE'S ATTORNEY

POSITION: UNFAVORABLE SB 0456

February 8, 2021

My name is Rich Gibson, I am the State's Attorney for Howard County. Part of my obligations as State's Attorney is to advocate for laws that enhance the safety and well-being of our community; that is the reason I am writing today to oppose Senate Bill 0456.

Prosecution must remain focused on the search for truth, accountability and justice. The only motivator a prosecutor should have should be the pursuit of the truth in what occurred. If a criminal cause of action is supported based upon the facts and the law, then discerning accountability, i.e. who is responsible for that criminal action. Upon determining that a criminal event occurred and discerning who is responsible, then reaching a conclusion about what is a just result or consequence for the harm done to society. Senate Bill 0456 is incredibly dangerous because it creates an environment where the aforementioned noble and just goals of prosecutors are likely to be supplanted by the desire to "look good" based upon the quantitative data this bill would require State's Attorney's Offices to publish.

Additionally, to collect and publish the vast array of data required in this bill is exceedingly expensive. Prosecution is time sensitive and this bill, if passed, would require far more extensive record keeping from prosecutors and support staff as it tracks virtually every minute decision a prosecutor makes in the case as well as demographic and statistical data that State's Attorney's Office's do not typically collect. Our offices

will absolutely need more people to process the same number of cases. Furthermore, our case management systems are not designed to aggregate or transfer the kind of data or the volume of data that this bill proposes. Moreover, the Howard County State's Attorney's Office website would have to be heavily modified to allow for the requisite publishing and storage of the data requested in this bill.

I understand the desire to have greater access to quantitative data. One solution to obtain much of that information this bill seeks without the same degree of financial cost and avoiding the social justice consequences, is to get some of the demographic data from sources that already collect it. In particular, the administrative office of courts (sentencing guideline forms), Maryland Electronic Courts (MDEC), Case Search, and the Governor's Office of Crime Prevention, Youth and Victim Services are all sources that already collect the kind of quantitative information that Senate Bill 0456 seeks. The aforementioned entities already have data pertaining to : demographics such as the age, gender, race of defendant, jurisdiction where the case were prosecuted, the judge and prosecutor associated with the case, outcome of the case, and the sentencing guidelines of the defendant.

I ask that the legislature give Senate Bill 0456 an unfavorable report.