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Maryland General Assembly  
House Judiciary Committee  
House Office Building, Room 101  
Annapolis, MD 21401

**Re: Unfavorable without Funding HB502-Office of the State's Attorney-Collection and Publication of Prosecutorial Information**

Dear Chairman Clippinger, Vice-Chair Atterbeary and Members of the Committee:

I am the State's Attorney, the highest law enforcement official in Prince George's County. I endeavor to be as transparent with my constituents in every way possible that is permissible by law. I support the legislature and their continued efforts to ensure increased transparency in the criminal justice system, however I am unable to support this legislation for the reasons listed below.

House Bill 502 requires the State's Attorney's Office to collect and publish numerous pieces of data. Many of the items requested in this bill are already collected and published through a variety of State agencies such as: MAGS; MDEC; Case Search; and the Court's Application Portal. Data collected by these agencies include but is not limited to: demographic information of the defendant, the prosecutor assigned the case, all criminal charges filed, arrest date, indicted charges, bond conditions or pretrial release conditions, discovery disclosure, plea agreements and sentencing terms and length.

Some of the items listed in the bill my office would be prohibited from publishing due to HIPPA and other privacy concerns. This would include the disability status of the defendant, the terms of diversion courts which would include: mental health status, substance abuse status and Veteran Affairs conditions, all of which we would be prohibited from publishing. Finally, there are other requested disclosures that are outside of the Office of the State's Attorneys purview, such as: Risk Assessments to determine eligibility for pretrial release and the individual who did the risk assessment

As the State's Attorney I take the safety of all of my prosecutors very seriously. I believe that their safety would be compromised if I were required to publish on my website, even with an anonymizing identifier, the age, gender, race, title and disciplinary history of each attorney. However, I want to be clear that if at any point in time a disciplinary action was filed against any of my attorneys I would, of course, provide the attorney's entire file to the investigating authority. I believe it is important to note that in Maryland, Assistant State's Attorneys are "at will" hires. This allows me, and any other State's Attorney, to fire an Assistant State's Attorney without a trial board, or the right of the attorney to appeal. I hold my attorneys to the highest ethical standard and would not hesitate to fire any attorney who fails to meet these standards.

Outside of the above concerns, I don't oppose the publication of the items listed in this bill, however my office would be unable to meet the demands of this legislation without additional funding and staff. In 2019 my office handled over 22,000 cases in the District Court and 1492 indicted cases in the Circuit Court. This does not include the cases handled by the Youth Justice Unit, Post Conviction Unit or Criminal Integrity Unit. A recent attempt to compile all the data requested in this bill on a simple trespassing case took approximately 40 minutes. For a single Homicide or Rape case it would likely take an entire day. Assuming this bill would only require the collection and publication of data from the date the legislation is signed and not any historic cases it would take approximately 30 new staff members to complete this task, this would include office assistants, paralegals and attorneys. In addition, my office would need to purchase a new data system that would be able to collect the information that is being requested.

I support and endeavor to be as transparent with the community as the law will allow, and with the staff and resources I have. I look forward to the opportunity to work with the sponsor to find a workable way to increase transparency in the criminal justice system, but without the additional funding I cannot support this legislation.



Aisha N. Braveboy