

Daniel Daughtry-Weiss Testimony

Hello and thank you all so much for having me. My name is Daniel Daughtry-Weiss and I am testifying today in support of the bill to guarantee virtual access to court hearings in Maryland. My participation in a bail hearing observation and accountability program in Prince George's County has convinced me that meaningful system reform depends on accessibility and accountability for what is actually happening in our courts, both over time and on any particular day.

I started court watching after volunteers from my church spoke about the impact of court watching compared to other volunteering. Before I became a court watcher, I thought I was a relatively well-informed citizen, not only a news junkie, but also recent graduate of the Maryland School of Public Policy at the University of Maryland in College Park. I knew there was injustice in other parts of the criminal legal system, but I thought Maryland and my county, in particular, was probably doing OK when it came to bail hearings.

I was aware of something called cash bail—a practice which provides the ability for those with money to go free before a hearing of evidence. However, a few sessions of court observing showed me that fundamental biases and incentives toward pretrial incarceration continue to prevail—even in my county where our quote “progressive prosecutor” has a no-cash bail policy. Even in Maryland, where judges have the option of requiring 10% or no cash bail up front to help ensure appearance in court. Even in 2022, when technology allows us to monitor the accused's location 24/7, if that seems necessary.

In a bail hearing, I expected judges would weigh the interests of the state against that of the individual and their rights. I would have thought that only a clear risk of irreparable harm—i.e. violence—should be a reason for depriving citizens of liberty before a hearing of evidence. Instead I observed that, despite arguments of competent public defenders, the scales seem fundamentally tipped not only against poor and working-class individuals but also against the common good. In my written testimony I provide specific examples of unnecessary and harmful pre-trial incarceration that surprised me, a reflection from one of my early days observing, which I have shared elsewhere.

Without data systematically and openly collected by groups like Courtwatch PG, the public will never know about the lack of consistency in our courts and will certainly be unable to evaluate what is going on. I am a rare concerned citizen of the county within driving distance of Upper Marlboro and with flexibility to observe during business hours, and, yet, even for me, the drive to Upper Marlboro is a major impediment to serving as

an observer. Thus I can assure you that virtual access to court proceedings is vital to the understanding of what this state is doing in our names. It is also critical for helping ensure that the many state funded actors in any particular case are held accountable for services and powers that have such a profound impact on our community. I urge you to support this legislation, and thank you for your time.

Without meaningful opportunities to observe and process what is going on over a considerable period, I would have no basis to come before this committee or share my concerns with others.

I care about this legislation because I now see why system reform requires follow up and citizen involvement.

Over the course of remote bail hearing observations my colleagues and I have to sense that without observation and accountability, the decks are stacked not only against our most vulnerable residents but also against the common good.

People are in jail without being convicted simply for being poor.