

January 15, 2023

Testimony of Elizabeth P. Wheaton, MD, FACP, Volunteer, Courtwatch PG

9110 Glenridge Road Silver Spring MD 20910

In favor of: S.B. 43

An Act Concerning Courts – Remote Public Access

My name is Elizabeth P. Wheaton, MD, FACP, and I am a resident of Silver Spring, Montgomery County, MD. For the past year, I served as a volunteer for Courtwatch PG, an advocacy group that observes bail hearings in the Prince George’s County District Court to document our country’s policies in action and to hold officials accountable for injustice in the court system. I am an internal medicine physician who has practiced medicine in the District of Columbia since 1993 and retired a year ago. I am also a former Clinical Associate Professor of Medicine of the George Washington School of Medicine and Health Sciences. Lastly, I am a bilingual speaker of English and Spanish.

I am writing in support of S.B. 43. I believe Maryland should protect and expand remote access to court proceedings in our state judicial system because greater transparency only leads to greater accountability. Remote access is important in my state because too many people are spending prolonged times in prison prior to being deemed guilty of a crime.

My medical knowledge and experience as well as my command of Spanish has allowed me to see the injustices that occur in the bail hearings including: holding a hearing when a defendant is mentally disoriented or physically in pain or has not received their usual medication or seeing the judges speak over the interpreter so that the defendant and family members cannot understand the proceedings. I have prepared medical exhibits for an incarcerated individual and a juvenile at risk of incarceration, outlining how the correctional system is adversely impacting their health and arguing for early release or avoidance of imprisonment.

My experience as a volunteer court watcher has opened my eyes to the multitude of injustices that occur every day in our courtrooms, both in Maryland and across the country. Before I joined Courtwatch PG, I had little exposure to the day-to-day operations of the criminal justice system. What I observed as a court watcher shocked me. I have seen countless individuals subjected to routine humiliation and dehumanization by judges and prosecuting attorneys as they go through court proceedings. “If you don’t pay the bond, bad things will happen to you.” I have seen people given high bail amounts despite committing “crimes of poverty.” For example, an individual who committed a theft of \$100 was given a bond amount of \$1000. I have seen judges, time and again, abandon their responsibility by referring the ultimate decision of release to the Pretrial Services Department, a department staffed by non-judicial employees. These types of injustices are seen especially for cases involving Black and brown people, who are disproportionately subject to unequal, unfair, and inhumane treatment by police, prosecutors, and judges alike.

Witnessing the reality of our criminal justice system has convinced me of the importance of ensuring accountability across the state—and I believe that protecting and expanding remote

court access is our best chance to do so. Our constitutional rights to open and public courts are a cornerstone of our democracy. However, modern-day challenges—such as the cost of transportation, taking time off work, and securing childcare—have severely limited our collective ability to exercise these rights. I was only able to start court watching during the pandemic, when Zoom access to proceedings was provided by the Prince George’s County District Court. Without this remote access, I would never have been able to exercise my constitutional rights—or call to attention the critical justice issues I saw as a volunteer.

In recent months, our remote access has been severely curtailed, undermining the tremendous impact that volunteers and community members have had in ensuring equal justice for their loved ones. Without the necessary safeguards for remote access, we risk further undermining the integrity of our criminal justice system—and harming thousands of individuals in the process.

For the reasons above, I wholeheartedly support S.B. 43. I hope the committee votes favorably as well.

Thank you for your time,

Elizabeth P. Wheaton, MD, FACP
Volunteer, Courtwatch PG