**Testimony of Mona Sahaf, Vera Institute of Justice**

Supporting SB0617: Task Force to Study Transparency Standards for State's Attorneys and the State's Attorney Case Management System Grant Fund

Good afternoon. My name is Mona Sahaf. I am a Maryland resident and work at the Vera Institute of Justice. At Vera, I am director of the Reshaping Prosecution program, which helps prosecutors increase public safety by using data and evidence to drive policy and practice change. Before joining the Vera Institute, I worked for twelve years as a federal prosecutor in Washington, DC prosecuting violent crime, domestic violence, national security, and human rights cases.

Thank you for the opportunity to testify in support of SB0617, which will help prosecutors operate more efficiently, measure their progress in delivering safety and justice, and increase transparency with the communities they serve.

When I was a prosecutor, I saw the individual cases in front of me but not the bigger picture. I didn't understand my office's collective impact on the communities we served. I now realize that this left many unanswered questions about whether we were fulfilling our mission: Were we prioritizing the most serious cases? Were we making communities safer? Was I delivering justice and fairness, by treating each person before me equitably? Stakeholders and community members also posed questions that I could not answer, such as, how many domestic violence cases were being dismissed because victims did not want to participate in a prosecution? Or, had successful prosecutions in a priority area increased or decreased? This bill would have immeasurably improved my ability to do my job and serve my community.

Most prosecutors in Maryland are in the same boat as I was. Absent an ability to analyze data, they are often left making vital decisions about charging, plea offers, and sentencing based on "gut" feelings and the traditions of the office. They also fall prey to doing things because "that's how we've always done them." And they easily fall victim to making decisions based on the latest headlines or the politics of the moment. Meanwhile, stakeholders and communities are left with their public safety questions unanswered.

However, research has shown that prosecutors' traditional tools, such as incarceration, do not reduce violent crime, and that charging fewer low-level cases decreases a person's odds of future contacts with the criminal legal system.[1] Research has also shown us how incarceration has harmed safety in low-income communities and communities of color by disrupting families and neighborhoods, decreasing earning potential and future job prospects, and perpetuating cycles of poverty and joblessness.[2]

Chief prosecutors in Maryland are elected by and accountable to the people. For too long prosecutors' offices have been black boxes and communities have had little insight into how they make their decisions, even though those decisions have outsized impacts on communities. By comparison, police, hospitals, and even schools have been vastly more transparent with their communities by collecting and publishing data annually about their operations and outcomes.[3] If teachers can do it, and police officers can do it, why not prosecutors?

I have worked with prosecutors across the country in diverse jurisdictions—including more conservative places—who have eagerly embraced data collection and transparency. They are using prosecutor data to allocate resources, increase efficiency, measure outcomes of new

policies and programs, and understand if they are improving the lives of their constituents by delivering safety and justice. With this bill, Maryland's prosecutors can join them.

To close, I'd like to help put this bill in context. It is a very careful step forward that reflects compromise, seeking primarily to help prosecutor offices build their data capacity by providing the funding to do so. In this way, this bill is much more cautious than other bills on prosecutor data transparency that have passed across the country, including in Florida, Arizona, Utah, Colorado, and New Jersey.[4] This bill will position Maryland's state's attorneys to increase their data capacity and build a culture of data collection and transparency with their staff. Then, they too can use data to measure their progress, better understand how they impact community safety, and increase transparency with the communities that they serve. As such, it would be a boon for the safety and wellbeing of all Marylanders.

Thank you for the opportunity to provide testimony. Please do not hesitate to contact me at msahaf@vera.org if I or the Vera Institute of Justice may provide further support to you all.

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[1] For incarceration, see Don Stemen, *The Prison Paradox: More Incarceration Will Not Make Us Safer* (New York: Vera Institute of Justice, 2017), 1-2, http://www.vera.org/publications/for-the-record-prison-paradox-incarceration-not-safer. Stemen concludes, "Research consistently shows that higher incarceration rates are not associated with lower violent crime rates." For charging low-level cases, see Amanda Agan, Jennifer L. Doleac, and Anna Harvey, "Misdemeanor Prosecution," *The Quarterly Journal of Economics* 138, no. 3 (2023), https://www.nber.org/papers/w28600. This study of roughly 67,000 cases from the Suffolk County District Attorney's Office from 2004 to 2018 showed that compared to those who were prosecuted, for the two years after the arraignment of a case, non-prosecution reduced the rates at which people were subsequently issued any new criminal complaints (53 percent), charged with violent offenses (64 percent), charged with disorderly conduct or property offenses (91 percent), charged with motor vehicle offenses (63 percent), or otherwise marked with criminal records (69 percent).
[2] Stemen, *The Prison Paradox,* , 2017, 1-2.
[3] See for example, Montgomery County Public Schools (MCPS) Data Dashboards, "Grade 8 Evidence of Learning (EOL)," https://ww2.montgomeryschoolsmd.org/data/LAR-charts/Evidence-of-Learning-Grade8.html#EvidenceofLearningHL; Johns Hopkins University & Medicine, "The Demographics of Covid: Explore the Pandemic's Impact Across Age, Race, Gender, and Ethnicity," Coronavirus Resource Center, https://coronavirus.jhu.edu/data/racial-data-transparency; and Montgomery County Department of Police, "Public Safety Data," https://www.montgomerycountymd.gov/pol/crime-data.html.
[4] Task Force to Study Transparency Standards for State's Attorneys, *Final Report of the Task Force to Study Transparency Standards for State's Attorneys* (Annapolis, MD: General Assembly of Maryland, Department of Legislative Services, Office of Policy Analysis, 2023), 9-23, https://mgaleg.maryland.gov/Pubs/CommTFWorkgrp/2023-TSS_Final_Report.pdf. The report collects data requirements from prosecutor data legislation enacted in Arizona, California, Colorado, Connecticut, Florida, New Jersey, and Utah.