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# Task Force to Study Transparency Standards for State's Attorneys

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Annapolis, Maryland  
December 2023



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# **Task Force to Study Transparency Standards for State's Attorneys**

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**Department of Legislative Services  
Office of Policy Analysis  
Annapolis, Maryland**

**December 31, 2023**

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THE MARYLAND GENERAL  
ASSEMBLY  
ANNAPOLIS, MARYLAND 21401-1991

December 31, 2023

The Honorable William Smith  
Chair, Senate Judicial Proceedings Committee

The Honorable Luke Clippinger  
Chair, House Judiciary Committee

Dear Chair Smith and Chair Clippinger:

Attached is the final report of the Task Force to Study Transparency Standards for State's Attorneys.

The task force has worked diligently this interim to carry out the charge contained in Chapter 141 of the Acts of the General Assembly of 2022. During the course of our first three public meetings, we heard testimony from approximately 13 witnesses, including elected and career State's Attorneys, other State government officials, policy advocates, academics, and private sector representatives. In addition, our November 28, 2023, meeting was exclusively devoted to discussion. The members of the task force also studied written materials and conducted independent research and dialogue about the issues facing the task force. Each member of the task force took the member's duty very seriously and was highly engaged in the process.

As a result, the workgroup has arrived at a strong list of five consensus recommendations, which are set forth on pages three through four of this report. Please note that Recommendation 5 proposes the introduction of a bill to (1) extend the life and expand the membership of the task force and (2) create a fund to provide grants to counties to defray case management system costs. We are proud of this work product and believe that the recommendations are reasonable and pragmatic and will serve as a sound foundation to build upon. While some may have preferred the recommendations to be more far-reaching, we deemed it important to arrive at a result that both

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reflects fiscal realities and engenders support from all stakeholders. We believe that these recommendations strike that careful balance, and hope that you are as pleased as we are with them.

It has been a privilege and pleasure to serve as chairs of the workgroup, and we are grateful to the Presiding Officers for giving us this opportunity to guide the work of this important body. We look forward to working on our proposed legislation during the upcoming legislative session and continuing to participate in Maryland's efforts to bring about increased transparency to the activities of our State's Attorneys.

Very truly yours,



Charles E. Sydnor, III  
Senate Chair



David Moon  
House Chair

CES:DM/CER/cgs

cc: Sally Robb  
Jeremy Baker  
Victoria L. Gruber  
Ryan Bishop

**General Assembly of Maryland  
Task Force to Study Transparency Standards  
for State's Attorneys  
2023 Interim Membership Roster**

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**Senator Charles E. Sydnor III, Chair  
Delegate David Moon, Chair**

**Appointed by the Governor:**

Mona N. Sahaf, Esq.  
Heather B. Warnken, Esq.

**Appointed by the President of the Senate:**

Senator Michael W. McKay  
Amanda C. Pustilnik  
Dayvon Love

**Appointed by House Speaker:**

Delegate William Valentine  
Judge Andre M. Davis  
DeRay McKesson

**Appointed by Chief Judge, Supreme Court of Maryland:**

Nancy Faulkner, Esq.

**Ex officio:**

Richard H. Gibson, Jr.  
Linda H. Lamone, Esq.  
David A. Soulé, Ph.D.

**Commission Staff**

Claire E. Rossmark  
John Edwards





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# **Task Force to Study Transparency Standards for State’s Attorneys Report**

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## **Introduction**

Prosecutors play an important and powerful role in the criminal justice system. They decide whether to request that a person remain in jail pending trial, whether to engage in plea bargaining, and what sentence to seek upon conviction. In addition, they are sometimes involved in deciding who to charge with a crime and what crime to charge. However, in Maryland, members of the public often have varying levels of access to both information about how their local prosecutors exercise discretion and in how easily the available data can be interpreted. Examples from other states and communities show possible models for achieving greater uniformity in how prosecutors input data and track cases and also in how they educate the public on basic outcomes from their offices.

In recent years, efforts have been undertaken nationwide to encourage or require prosecutors to collect and report information about their decisions at key points in their cases, to achieve justice and fairness for everyone in the community. Collecting and analyzing more data – whether or not it is published – can also assist prosecutors in allocating limited resources and more efficiently and accurately handling law enforcement office functions such as compiling annual reports, submitting budget requests, measuring staff performance and workloads, and tracking court appearances and filing deadlines. For numerous reasons, providing the community a window into this aggregated data can help inform critical discussions around resource allocation, equity and disparities, seriousness and proportionality of penalties, timeliness of case processing, delivery of victim services, and more.

The Task Force to Study Transparency Standards for State’s Attorneys was created by Chapter 141 of the Acts of the General Assembly of 2022 to study the possibility of establishing minimum transparency standards for State’s Attorneys in Maryland. Chapter 141 required the task force, in conducting its study, to: (1) develop processes by which prosecutors can collect information and determine what information should be made public and what information may be kept private, and (2) examine any existing policies of State’s Attorneys’ offices across the State relating to the transparency of data, the charging of crimes, and sentencing.

The presiding officers designated Senator Charles E. Sydnor, III and Delegate David Moon as co-chairs of the task force.

## **Meetings**

The task force met and worked diligently during the 2023 interim. Four public meetings were held at which approximately 13 witnesses provided testimony. Thoughtful and robust

discourse among the members and witnesses took place during each meeting, resulting in the consensus recommendations contained in this report.

All meeting recordings and materials can be found on the Maryland General Assembly website (<https://mgaleg.maryland.gov/mgawebsite/Committees/Details?cmte=tss>).

### **October 18, 2023 Meeting**

At its first meeting, the task force was briefed by Richard H. Gibson, Jr., State's Attorney for Howard County and President of the Maryland State's Attorneys' Association, on the topic of existing State's Attorneys' policies regarding data transparency on charging decisions and sentencing recommendations. In addition, Mona Sahaf, Esq., Director of the Reshaping Prosecution Initiative within the Vera Institute of Justice, gave a presentation on best practices/national standards regarding prosecutorial data transparency on charging decisions and sentencing recommendations.

### **November 1, 2023 Meeting**

At its second meeting, the task force heard about different case management systems available for the use of prosecutors. Presenters included Melba V. Pearson, Esq. and Dr. Brian Johnson of The Prosecutorial Performance Indicators, Tony Yuill of Judicial Dialog Systems, and Jeff Karpel and Lee Ann Karpel of Karpel Solutions.

### **November 14, 2023 Meeting**

At its third meeting, David A. Soulé, Ph.D., Executive Director of the Maryland State Commission on Criminal Sentencing Policy, briefed the task force about data collected by the Maryland State Commission on Criminal Sentencing Policy. The task force was also briefed about information collected by the Judiciary by Nancy Faulkner, Deputy State Court Administrator, Sarah Parks, Manager, Business Analysis for the Administrative Office of the Courts, and Jamie Walter, Director of Research and Analysis for the Administrative Office of the Courts.

In addition, J. Charles Smith III, State's Attorney for Frederick County, Ryan Wechsler, Deputy State's Attorney for Montgomery County, and Darren O'Brien, Assistant State's Attorney and Director of Management Information Systems, Baltimore City State's Attorney's Office gave presentations on case management systems in use in Maryland.

### **November 28, 2023 Meeting**

At its fourth meeting, the task force met to discuss and agree upon final recommendations.

## Recommendations

The task force's consensus recommendations are as follows:

### Recommendation 1

All State's Attorney's offices in the State should adopt and use an automated case management system (CMS). Each system should be able to export data to share with other entities, including the State.

### Recommendation 2

A statewide uniform data collection procedure should be adopted. The data collection system should use dropdowns and radio buttons for data entry whenever possible, as opposed to solely using fields for entry of text, to allow for data aggregation and analysis. To ensure each CMS meets the basic functioning of a prosecutor's office, the following data points, at a minimum, should be collected for each case by State's Attorneys' offices:

1. charges at arrest;
2. filed charges;
3. final disposition of all charges;
4. whether a plea offer was made;
5. if the case was dismissed, the reason for the dismissal;
6. if the case was declined, the reason for the declination;
7. dates for decision points 1 through 6;
8. the referring law enforcement agency;
9. the assigned prosecutor(s);
10. defendant characteristics (*e.g.*, race/ethnicity, age, gender, zip code); and
11. victim characteristics (*e.g.*, race/ethnicity, age, gender, zip code).

These data points are based on national best practices as discussed in the Vera Institute of Justice presentation at the October 18, 2023, meeting. Training should be offered and best practices should be followed to facilitate the collection of this data in a clear and consistent manner both within and across offices. This body or a future task force or other body should consider expanding the data points required to be collected.

The Task Force duly notes that concern was expressed that much of this information is already collected by other State agencies and that the redundancy brings about a cost to be borne by taxpayers unnecessarily. We also note the concern raised that collecting this type of information could create a "score chasing mentality" that would corrupt the pursuit of justice. In contrast, we note that others raised concerns about recent data showing Maryland incarcerating Black people

at almost five times the rate of white people, and a concern that prosecutor data needs to be tracked and studied in order to better understand racial, socio-economic, and other disparities in the criminal justice system and their causes and trends.

### **Recommendation 3**

State funding should be provided to State's Attorneys' offices to assist with CMS setup costs and costs needed to patch each CMS to facilitate data sharing between State's Attorneys' offices.

### **Recommendation 4**

There should be some manner of data publication/release, to be decided locally, while this body or a future task force or other body should consider the provision of funding for county data analysts or a statewide data analyst. In the meantime, the State should consider whether existing resources allow for a minimum statewide analysis of basic data already gathered for some State's Attorneys' offices, including the total number of:

1. cases referred from the police;
2. cases declined;
3. cases dismissed;
4. plea offers made;
5. cases resolved by plea;
6. cases that went to trial; and
7. cases diverted.

In addition, data points 1 through 7 should be disaggregated by race/ethnicity, gender, and severity (felony or misdemeanor), so as to enable identification of disparities and inequities at key decision points.

### **Recommendation 5**

A bill should be introduced in the 2024 session to:

- extend the life of the task force for three years to oversee the implementation of the recommendations contained in this report, track their progress and effectiveness in achieving the goals of enhanced transparency and accountability, and consider expanding the recommendations;
- expand the membership of the ongoing task force to possibly include (1) the Public Defender of Maryland or the Public Defender's designee; (2) the Executive Director of the Governor's Office of Crime Prevention, Youth, and Victim Services or the

Executive Director's designee; (3) the Attorney General of Maryland or the Attorney General's designee; and (4) additional State's Attorneys representing jurisdictions of different sizes and with different stages of implementation of case management systems and data dashboards; and

- create a fund to provide grants to counties to defray costs for CMS setup and patching.

## **Conclusion**

The task force looks forward to the implementation of these recommendations and achieving the worthy goal of increased transparency for State's Attorneys' offices in Maryland.

While some states have passed laws requiring collection of additional data points that are not included in these recommendations, we believe the recommendations are a solid starting point as Maryland State's Attorneys begin to build a culture of consistent, accurate data collection and overall transparency. Based on lessons from other jurisdictions, the public stands to benefit from shifting this culture and its needed practices incrementally towards shared goals in a manner that will not overwhelm our public servants as they adjust to new data collection and reporting requirements. These recommendations represent only the first steps and a floor.

The task force would like to thank staff of the Department of Legislative Services and the individuals identified above who briefed or provided testimony to the task force.





## Appendix 1. Maryland State's Attorney's Office Case Management System List

<u>Jurisdiction</u>	<u>Case Management System</u>
Allegany	PBK
Anne Arundel	PBK
Baltimore City	JD
Baltimore County	PBK
Calvert	JustWare by Journal Tech
Caroline	PBK
Carroll	JD
Cecil	PBK
Charles	PBK
Dorchester	JD
Frederick	JD
Garrett	None
Harford	PBK
Howard	JD
Kent	Microsoft Access
Montgomery	PBK
Prince George's	JD
Queen Annes	None
St. Mary's	PBK
Somerset	PBK
Talbot	None (currently in the process of obtaining PBK)
Washington	JD
Wicomico	JD (in process of switching to PBK)
Worcester	PBK

JD: Judicial Dialog

PBK: Prosecutor by Karpel



## **Appendix 2. Transparency Measures for Prosecutors Required by Legislation Nationwide**

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### **Arizona**

SB 1523 (Ch. 278) of 2018 required, for calendar 2019 only, two county attorney offices to publish specified prosecutorial data<sup>1</sup> on their websites on a monthly basis.

### **California**

Cal. Penal Code § 13370 – enacted in 2022

Requires the submission of specified data<sup>2</sup> by all prosecutors' offices statewide, collection and aggregation of the data and publication of metrics by the Department of Justice, and the creation of a Prosecutorial Transparency Advisory Board to ensure transparency, accountability, and equitable access to prosecutorial data.

### **Colorado**

SB 15-185 of 2015 (enacted) requires each law enforcement agency to report specified data on stops and arrests, requires the judicial department to report specified data on charges, dispositions, sentences, and probation revocations<sup>3</sup>, and requires the department of corrections to report specified data on parole hearings, grants of parole, and parole denials, to the Division of Criminal Justice within the Colorado Department of Public Safety. The Division must compile and publicly report the data on an annual basis.

### **Connecticut**

SB 880 of 2019 (enacted) – requires the Division of Criminal Justice to collect specified prosecutorial data<sup>4</sup>. Each year, the Office of Policy and Management shall make a presentation to the Criminal Justice Commission on prosecutorial data collected during the previous calendar year and make the presentation publicly available on the Internet.

SB 1070 of 2022 (enacted) – requires each state's attorney to appear before the commission annually for testimony and comment on the data collected.

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<sup>1</sup> See Attachment – Data Points

<sup>2</sup> See Attachment – Data Points

<sup>3</sup> See Attachment – Data Points

<sup>4</sup> See Attachment – Data Points

## Florida

Fla. Stat. § 900.05(3)(a) – enacted in 2018

Requires local and state criminal justice agencies (court clerks, state’s attorneys<sup>5</sup>, public defenders, county detention facilities, and the Department of Corrections) to collect specified criminal justice data and report it to the Department of Law Enforcement, which must publish the data on its website in an accessible and searchable format.

## Maryland

Section 15-302 of the Criminal Procedure Article provides that:

“The [State’s Attorney’s] Coordinator shall:

...

(3) with the approval of the [State’s Attorneys’ Coordination] Council, establish and implement uniform reporting procedures for State’s Attorneys and professional staffs of State’s Attorneys to maintain and provide statistical data and information relating to prosecutorial functions and standards of the office of the State’s Attorney;

...”

## Minnesota

M.S.A. § 388.051 (effective January 1, 1995) requires each county attorney to adopt written, publicly available guidelines governing the county attorney's charging and plea negotiation policies and practices. At a minimum, the guidelines must address:

- (1) the circumstances under which plea negotiation agreements are permissible;
- (2) the factors that are considered in making charging decisions and formulating plea agreements; and
- (3) the extent to which input from other persons concerned with a prosecution, such as victims and law enforcement officers, is considered in formulating plea agreements.

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<sup>5</sup> See Attachment – Data Points

## **New Jersey**

N.J. Stat. § 2A:4A-26.1

- The Juvenile Justice Commission must create a program to collect, record, and analyze data<sup>6</sup> regarding waiver of jurisdiction of a juvenile delinquency case by the Superior Court, Chancery Division, Family Part to an appropriate court and prosecuting authority.
- The Juvenile Justice Commission must publish on its website biennial reports summarizing the data collected, recorded, and analyzed, and submit the reports to the Governor and the legislature.

## **Utah**

Utah Code Ann. § 63M-7-216

- Each prosecution agency must submit to the Commission on Criminal and Juvenile Justice specified information about each criminal case referred to it<sup>7</sup>
- The Commission on Criminal and Juvenile Justice must include in its annual criminal justice plan an analysis of the data received from each prosecution agency, comparing and contrasting the practices and trends among and between prosecutorial agencies in the state. The Law Enforcement and Criminal Justice Interim Committee may request an in-depth analysis of the data received annually.
- The Commission on Criminal and Juvenile Justice may provide assistance to prosecutorial agencies in setting up a method of collecting and reporting data required.
- Each prosecutorial agency must publish office policies for specified topics.
- A prosecutorial agency not in compliance with these requirements may not receive grants or other funding intended to assist with bringing the agency into compliance.

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<sup>6</sup> See Attachment – Data Points

<sup>7</sup> See Attachment – Data Points

## Attachment – Data Points

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### Arizona

1. The respective aggregate number of misdemeanor and felony cases by individual defendant:

- (a) That are indicted by the prosecutor's office.
- (b) That are resolved by the prosecutor's office through a plea agreement. If resolved through a plea agreement, the prosecutor shall post the aggregate number of cases in which the defendant either:
  - (i) Pleaded guilty.
  - (ii) Pleaded no contest.
- (c) That are presented for bench or jury trial consideration, excluding prior conviction trials.
- (d) In which a first-time felony offender received a sentence of:
  - (i) Less than one year of imprisonment.
  - (ii) One year or more but less than three years of imprisonment.
  - (iii) Three years or more but less than five years of imprisonment.
  - (iv) Five years or more but less than ten years of imprisonment.
  - (v) Ten years or more of imprisonment.
- (e) In which a repetitive offender received a sentence of:
  - (i) Less than one year of imprisonment.
  - (ii) One year or more but less than three years of imprisonment.
  - (iii) Three years or more but less than five years of imprisonment.
  - (iv) Five years or more but less than ten years of imprisonment.
  - (v) Ten years or more of imprisonment.

2. For each individual defendant's indicted case, a breakdown of each offense charged and whether that offense was charged as a misdemeanor or felony.

3. For each misdemeanor and felony offense that was charged in each individual defendant's case:

(a) Whether the offense was resolved by plea agreement.

(b) If the offense was resolved by plea agreement, whether the defendant pleaded guilty or no contest.

(c) Whether the offense was presented for bench or jury trial consideration, excluding prior conviction trials.

(d) The verdict on each misdemeanor and felony charge that was submitted for bench or jury trial consideration.

(e) The final sentence entered on each charge.

(f) Any changes that were mandated by an appellate court to a final sentence that was entered by a justice or superior court.

4. For each individual defendant's case, whether the defendant has previously been charged with a felony in this state and, if the defendant has previously been charged with a felony in this state, how many prior felony charges in this state.

5. For each individual defendant's case in which the defendant has a prior felony conviction, a description of each prior felony conviction.

6. The amount, as recorded by the arresting officer, that was the basis for the following charges:

(a) Possession or use of marijuana or a dangerous or narcotic drug.

(b) Possession for sale of marijuana or a dangerous or narcotic drug.

(c) Possession of equipment or chemicals, or both, for the purpose of manufacturing a dangerous or narcotic drug.

(d) Manufacturing a dangerous or narcotic drug.

(e) Administering a dangerous or narcotic drug to another person.

(f) Obtaining or procuring the administration of a dangerous or narcotic drug by fraud, deceit, misrepresentation or subterfuge.

(g) Transporting for sale, importing into this state or offering to transport for sale or import into this state, selling, transferring or offering to sell or transfer marijuana or a dangerous or narcotic drug.

7. For each misdemeanor and felony case, each individual defendant's:

a) Age.



(b) Race or ethnicity.

(c) Declared gender.

### **California**

(1) The court case number used by the court to identify a case. The court case number shall be assigned to each case and charge within a case prosecuted by the agency.

(2) The Internal Case Number (ICN) assigned to each case by the Case Management System (CMS). This number shall be assigned to each case and charge within a case prosecuted by the agency. If the agency does not currently use an ICN, the agency shall create and apply an ICN as directed by the department.

(3) Whether the case is pending, has concluded, is on appeal, or is inactive, such as when a defendant is in warrant status.

(4) The ZIP Code where most of the acts comprising the crimes charged occurred.

(5) The date of the crime. If multiple crime dates are alleged, the date of the crime shall be the earliest date alleged in the charging document.

(6) The name and Originating Agency Identifier (ORI), as designated by the National Law Enforcement Telecommunications System, of the law enforcement agency that investigated the case for submission to the prosecutor.

(7) The ZIP Code of the arrest.

(8) The date of the arrest.

(9) Each charge and enhancement, including any special circumstance or special allegation, referred by law enforcement, including a uniform description, statute number, and level, either felony or misdemeanor.

(10) The date on which charges were filed, the case was discharged, or the case was returned for further investigation.

(11) Each charge, enhancement, and special circumstance or special allegation filed by the agency in the initial charging document.

(12) For each case declined to prosecute, each charge that the agency declined to prosecute.

(13) The county in which the case was filed.

(14) The date on which the defendant initially entered a plea to the charges.

(15) The date on which the defendant first appeared in a case, whether or not an arraignment took place.

(16) The date on which bail or bond was set by the court in open court and the amount of bail set.

(17) The agency pretrial release recommendation for each case, as stated in open court, as described in standardized terms developed by the department.

(18) The prosecution bail recommendation for each case stated in open court according to standardized terms developed by the department.

(19) The court pretrial detention determination at arraignment as described in standardized terms developed by the department.

(20) Whether the defendant posted bail.

(21) The date of any release from custody, the reason for release, and the terms of that release. The department shall develop standardized terms for this data element.

(22) The start and end date for every period of pretrial detention for a defendant in a case and the reason for that detention as described in standardized terms provided by the department.

(23) The date of any amendments adding charges or enhancements to a charging document, including a complaint, indictment, or information.

(24) The charges, enhancements, special circumstances, or special allegations added to a charging document by amendment.

(25) The date on which the first plea bargain offer was made by the agency to each defendant. For purposes of this section, plea bargain offer is defined as the terms of resolution of a case made by the agency that are ultimately transmitted to the defendant by their counsel for consideration, which is commonly called a “bona fide offer” or, if the defendant is in propria persona, the first offer to resolve a case transmitted to the defendant on any given date.

(26) The terms of the initial plea bargain offer communicated to the defendant or the defendant’s counsel. The department shall develop a standardized method to capture the terms of the initial plea bargain offer according to uniform definitions.

(27) Whether the prosecutor determined that the defendant was eligible for diversion. For purposes of this section, diversion is defined as a program, either as created and defined by state law or an agency, by which charges are reduced or dismissed as part of participation in alternatives to prosecution such as counseling, therapy, restorative justice principles, or periods of noncriminality.

**(28)** Whether the defendant was offered a diversion program by the agency.

**(29)** Whether the court granted or denied a motion for diversion as allowed by law, if such a motion was made.

**(30)** Whether the defendant agreed to participate in a diversion program.

**(31)** Whether the agency opposed the defendant's request for diversion, if that request was made in open court, and the reason for the opposition, if given in open court, using standardized terms, including the following:

**(A)** "Public safety."

**(B)** "Criminal history."

**(C)** "Failure of the defendant to consent."

**(D)** "Failure of the defendant to comply with current or prior diversion program terms."

**(E)** "Statutory ineligibility."

**(F)** "Discretion."

**(G)** "Other."

**(32)** The type of diversion according to standardized terms to be developed by the department, including terms to describe each of the following:

**(A)** Mental health diversion pursuant to Section 1001.36.

**(B)** Veteran diversion pursuant to Section 1001.80.

**(C)** Misdemeanor diversion pursuant to Section 1001.95.

**(D)** Drug diversion pursuant to Section 1000.

**(E)** Other diversion.

**(33)** Whether the prosecutor determined that the defendant was eligible for collaborative court. For purposes of this section, collaborative court is a program wherein the prosecution of the case is stayed in order to engage in any collaborative process, such as by the agency, the public defender, and the court, to address underlying issues such as chemical dependency or mental health issues.

**(34)** Whether the court granted or denied a motion for collaborative court, if such a motion was made.

**(35)** Whether the defendant agreed to participate in a collaborative court program.

**(36)** Whether the agency opposed the defendant's request for collaborative court, if that request was made in open court, and the reason, if given in open court, for the opposition, using standardized terms, including the following:

**(A)** "Public safety."

**(B)** "Criminal history."

**(C)** "Failure of the defendant to consent."

**(D)** "Failure of the defendant to comply with current or prior collaborative court program terms."

**(E)** "Statutory ineligibility."

**(F)** "Discretion."

**(G)** "Other."

**(37)** The type of collaborative court according to standardized terms to be developed by the department, including terms to describe each of the following:

**(A)** Mental health collaborative court.

**(B)** Veteran collaborative court.

**(C)** Drug or DUI collaborative court.

**(D)** Community or homeless collaborative court.

**(E)** Other collaborative court.

**(38)** The date on which a charge was resolved, whether by dismissal, acquittal, conviction, or other grounds.

**(39)** The disposition of each charge and enhancement, including any special circumstance or special allegation. Specifically, whether the charge or enhancement was resolved by dismissal, acquittal or not true finding, or conviction. If conviction, whether the conviction was by plea or by trial.

**(40)** For any special circumstance alleged in the charging document, whether the defendant was alleged to be the actual killer as defined by paragraph (1) of subdivision (e) of Section 189.

**(41)** The date a sentence was imposed by the court.

**(42)** The sentence imposed by the court, including any restitution, fines, and period of incarceration imposed.

**(43)** Whether or not the agency engaged in any postconviction resentencing, defined for purposes of this section as any resentencing where, after judgment and sentencing on a case, the agency revisited the sentence, including, but not limited to, proceedings under Section 1172.1, and the outcome of that resentencing.

**(44)** Whether or not the agency engaged in any parole proceedings, the formal recommendation of the agency during that proceeding, and the outcome of that proceeding.

**(45)** Whether or not the agency engaged in any commutation or pardon proceedings, the official recommendation of the agency for those proceedings, and the outcome of those proceedings.

**(46)** Whether a motion was made by a party under Section 231.7 of the Code of Civil Procedure, the party making the motion, and the result of that motion.

**(47)** Whether a criminal informant was used and whether that informant was used in a custodial or noncustodial setting. This paragraph shall apply only if the existence and nature of the informant was disclosed as part of the public proceedings of the case.

**(48)** Whether competency proceedings were initiated under Section 1368, 1368.1, or 1369 and the result of those proceedings.

**(49)** Whether the last attorney of record at the conclusion of the case was private, publicly retained, or whether the defendant was in propria persona.

**(50)** Whether the defendant pled not guilty by reason of insanity.

**(51)** Whether conservatorship proceedings were instituted.

**(52)** For each defendant charged in a case, all of the following:

**(A)** Their name.

**(B)** The Criminal Identification and Information/State Identification number assigned by the department.

**(C)** The date of birth.

**(D)** The defendant's anonymized identifier created by CMS within the agency. If the agency does not currently use an anonymized identifier created by CMS, the agency shall create and apply an anonymized identifier as directed by the department.

**(E)** The defendant's age at the time of the crime.

**(F)** The defendant's race as determined according to standardized definitions developed by the department.

**(G)** The source of the information regarding the defendant's race. The department shall develop a standardized list of sources of information regarding a defendant's race, including, but not limited to, defendant's advocate or record of arrests and prosecution.

**(H)** The defendant's ethnicity as determined according to standardized definitions developed by the department.

**(I)** The source of the information regarding the defendant's ethnicity. The department shall develop a standardized list of sources of information regarding a defendant's ethnicity.

**(J)** Whether the defendant or their counsel has identified in open court or in a filing with the court that the defendant has a physical disability or a disability as described in the Diagnostic and Statistical Manual of Mental Disorders.

**(K)** The type of disability so identified, if any.

**(L)** The defendant's gender.

**(M)** Whether the defendant has disclosed to the prosecution that they identify as transgender, nonbinary, or intersex.

**(N)** The defendant's county of residence, if reflected in the court record, including, if the defendant is unhoused, an approximation of the county of residence as determined from direction by the department.

**(O)** Whether the defendant was on probation at the time the acts comprising the crime charged occurred.

**(P)** Whether the defendant was on parole at the time the acts comprising the crime charged occurred.

**(Q)** Whether or not the defendant was required to register as a sex offender under Sections 290 to 290.024, inclusive, at the time the acts comprising the crime charged occurred.

**(53)** For each victim, all of the following:

**(A)** Whether there was a victim identified.

**(B)** The race.

**(C)** The ethnicity.

(D) The age at the time of the crime.

(E) Gender identification.

(F) Whether the victim made a request to the court to drop the charges or indicated to the court that they would not be willing to testify or that they would be willing to testify.

(54) For each agency or division, if only select divisions perform criminal prosecution within an agency, all of the following data shall be reported by July 1 each year:

(A) The number of full-time or full-time equivalent attorneys who carry nonappellate adult criminal caseloads as of the reporting date.

(B) The number of part-time attorneys who carry nonappellate adult criminal caseloads as of the reporting date.

(C) The number of investigators employed by the office as of the reporting date.

(D) The number of personnel dedicated to providing victim services employed by the office as of the reporting date.

(E) The average annual felony caseload for attorneys who carry nonappellate adult criminal caseloads for the preceding calendar year.

(F) The average annual misdemeanor caseload for attorneys who carry nonappellate adult criminal caseloads for the preceding calendar year.

(G) The office limits, if any, regarding the number of felony cases a single attorney can carry over a one-year period.

(H) The office limits, if any, regarding the number of misdemeanor cases a single attorney can carry over a one-year period.

(I) The number of victims the prosecutor's victim's services unit contacted, and number of victims the prosecutor's victim's services unit provided services to during the reporting period. For purposes of this section, services are defined as tangible resources or assistance with recovering tangible resources including, but not limited to, seeking reimbursement from the California Victim Compensation Board, residence relocation, or application for a U visa. Services do not include informing victims of court dates and relaying case information or offers to plea a case.

## **Colorado**

a) the number and types of charges that resulted from specified arrests, the race and gender of the defendants, and the associated incident report numbers;

b) the disposition of the charges reported pursuant to paragraph (a), including convictions at trial, acquittals, plea agreements, and dismissals; the race and gender of the defendants, and the associated incident report numbers;

c) the sentences imposed for all convictions and plea agreements reported pursuant to paragraph (b), the race and gender of the defendants, and the associated incident report numbers; and

d) if a sentence reported pursuant to paragraph (c) is a sentence to probation, whether a petition to revoke probation was filed against the defendant, the disposition of the petition, the race and gender of the defendant, and the associated incident report number.

### **Connecticut**

(1) Arrests, including data on citations, summonses, custody arrests, warrants and on-site arrests;

(2) Arraignments of individuals in custody;

(3) Continuances;

(4) Diversionary programs, including data on program applications, program diversions, successful completions by defendants of such programs, failures by defendants to complete such programs and people in diversion on the first of the month;

(5) Contact between victims and prosecutorial officials, including data on cases involving victims;

(6) Dispositions, including data on pending cases and cases disposed of;

(7) Nonjudicial sanctions, including data on nonjudicial sanctions applied, successful completion of nonjudicial sanctions, failure of nonjudicial sanctions and persons on nonjudicial sanction status on the first of the month;

(8) Plea agreements, including data on total plea agreements, agreements involving probation, agreements involving prison, other agreements and prosecutor's last best offer;

(9) Cases going to trial, including data on cases added per month, pending trial cases, plea offers accepted by the court per month, plea offers rejected by the court per month, disposition by trial, disposition involving probation, disposition involving prison and other dispositions;

(10) Demographics, including data on race, sex, ethnicity and age;

(11) Court fees or fines, including those imposed by the court at the disposition of the defendant's case and any outstanding balance the defendant may have on such fees or fines;

(12) Restitution amounts ordered pursuant to subsection (c) of section 53a-28 of the general statutes, including any amount collected by the court and any amount paid to a victim; and



(13) The zip code of the defendant's primary residence.

**Florida**

1. Information related to a human victim of a criminal offense, including:
  - a. Identifying information of the victim, including race or ethnicity, gender, and age.
  - b. Relationship to the offender, if any.
2. Number of full-time prosecutors.
3. Number of part-time prosecutors.
4. Annual felony caseload.
5. Annual misdemeanor caseload.
6. Any charge referred to the state attorney by a law enforcement agency related to an episode of criminal activity.
7. Number of cases in which a no-information was filed.
8. Information related to each defendant, including:
  - a. Each charge referred to the state attorney by a law enforcement agency related to an episode of criminal activity.
  - b. Drug type for each drug charge, if applicable.

**New Jersey**

- (a) youth demographics, including age, gender, race, and ethnicity;
- (b) case characteristics, including the degree of the offense waived, the degree of the offense convicted, and the final court resolution;
- (c) case processing times; and
- (d) waiver rates by race and ethnicity.

**Utah**

- (a)** the defendant's:
  - (i)** full name;
  - (ii)** offense tracking number;
  - (iii)** date of birth; and
  - (iv)** zip code;
- (b)** referring agency;
- (c)** whether the prosecutorial agency filed charges, declined charges, initiated a pre-filing diversion, or asked the referring agency for additional information;
- (d)** if charges were filed, the case number and the court in which the charges were filed;
- (e)** all charges brought against the defendant;
- (f)** whether bail was requested and, if so, the requested amount;
- (g)** the date of initial discovery disclosure;
- (h)** whether post-filing diversion was offered and, if so, whether it was entered;
- (i)** if post-filing diversion or other plea agreement was accepted, the date entered by the court; and
- (j)** the date of conviction, acquittal, plea agreement, dismissal, or other disposition of the case.

**FINAL SB 617 Draft Testimony.pdf**

Uploaded by: Charles E. Sydnor III

Position: FAV

**CHARLES E. SYDNOR III, ESQ.**  
*Legislative District 44*  
Baltimore County

DEPUTY MAJORITY WHIP

Judicial Proceedings Committee  
Executive Nominations Committee

*Joint Committees*

Administrative, Executive, and  
Legislative Review

Children, Youth, and Families

Senate Chair, Legislative Ethics

*Chair*

Baltimore County Senate Delegation



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**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

**Testimony for Senate Bill 617**  
**Task Force to Study Transparency Standards for State’s Attorneys and the State’s Attorney Case**  
**Management System Grant Fund**  
**February 9, 2024**

Good afternoon, Chair Smith, and members of the Judicial Proceedings Committee,

Senate Bill 617 (“SB 617”) incorporates recommendations contained in the final report from the Task Force to Study Transparency Standards for State’s Attorneys (“Task Force”). The Task Force recommended that (1) all State’s Attorneys’ offices should adopt and use an automated case management system (“CMS”); (2) a statewide uniform data collection procedure should be adopted within the CMS; (3) the State should provide State’s Attorneys’ offices with the funding needed to assist with CMS setup and data sharing; (4) there should be some form of data publication; and (5) the Task Force should be extended for three years, and it’s membership should be expanded.

First, SB 617 creates a special, nonlapsing, CMS Grant Fund (“the Fund”). The Fund will provide State’s Attorneys’ offices with funds only to establish or improve CMSs. The Fund will consist of money appropriated in the State budget, interest earnings of the Fund, and money from any other source accepted for the benefit of the Fund.

The Executive Director for the Governor’s Office of the Crime Prevention and Policy will administer the Fund. The Executive Director will establish procedures to apply for and receive Fund grants, and solicit proposals from State’s Attorneys’ offices.

When State’s Attorneys’ Offices apply for a grant from the Fund, they must provide a description of the CMS they seek to establish or improve, and other information the Executive Director considers necessary. Once an office receives a grant, that office must submit proof of the expenditure of the funds to the Executive Director.

Second, SB 617 exempts the Fund from Md. Code Ann., State Finance and Procurement § 6-226(a), allowing the Fund to accrue its own net interest.

Further, SB 617 increases the members of Task Force to include the Executive Director, the Attorney General, or their designee, and the Public Defender, or their designee. Finally, SB 617 prolongs the length of Task Force to remain effective for a period of 5 years and shall end June 30, 2027.

As such, I respectfully request a favorable report for SB 617.

# **In Support of SB 617 CCJR.pdf**

Uploaded by: Heather Warnken

Position: FAV



**TESTIMONY IN SUPPORT OF SB 617**

**Task Force to Study Transparency Standards for State’s Attorneys and the State’s Attorney Case Management System Grant Fund**

TO: Members of the Senate Judicial Proceedings Committee

FROM: **Center for Criminal Justice Reform, University of Baltimore School of Law**

DATE: February 9, 2024

My name is Heather Warnken, and I am the Executive Director of the University of Baltimore School of Law’s Center for Criminal Justice Reform. The Center for Criminal Justice Reform supports community driven efforts to improve public safety and address harm and inequity caused by the criminal legal system. In 2023, I was honored to be appointed by Governor Wes Moore to serve on the Task Force to Study Transparency Standards for State’s Attorneys created through legislation passed in the Maryland General Assembly the previous year.

**In direct alignment with our Center’s mission, and my commitment to the important goals of this Task Force, I am grateful to testify in support of SB 617.**

Prosecutors are widely understood to be among the most powerful actors in the criminal justice system. They wield tremendous authority and discretion to define, pursue - or decline - criminal cases. They decide what charges to bring, when and what plea offers to make, and numerous other decision points which impact the lives and liberty of not just people who are accused of crimes, but their loved ones, their communities, and society writ large.

Many of these often fully discretionary decisions happen behind closed doors with little to no scrutiny or awareness by outside entities. This includes voting members of the public who put elected state’s attorneys in office, or remove them if they are unhappy with public safety results. Notwithstanding laws on the books, and whatever evidence may or may not be available in a particular case, numerous other factors also may impact prosecutorial decisions, such as an office’s current resource availability, policy priorities, and more.

Over the past decade, the role of prosecutors’ decision-making in driving racial, socio-economic, and other disparities in the criminal justice system has received greater attention and examination. Maryland’s extreme racial disparities in incarceration, and in particular its status of first in the nation in over-incarceration of Black males, led to the launch in October 2023 of the



Maryland Equitable Justice Collaborative. This historic new initiative, led by the Office of the Attorney General and Office of the Public Defender in partnership with a large diversity of community and system stakeholders, seeks to address urgent issues of mass incarceration and the policies and practices behind it, particularly impacting Black men and other marginalized groups.

Beyond Maryland, given the growing evidence surrounding these profound challenges, and mounting concern across diverse constituencies on how to solve them, across the United States a proliferation of prosecutorial-focused resources and dedicated centers such as the Institute for Innovation in Prosecution at John Jay College of Criminal Justice, have emerged in recent years. There is a strong bipartisan movement to help guide more effective, equitable practice, confronting long-standing criminal justice policies and practices with new lenses and new tools. There is growing recognition that “they way we’ve always done it” is not sufficient justification for how to proceed.

Much like the legislation that created the Task Force, SB 617 is another important, albeit quite modest, step forward in increasing transparency and accountability for this critical component and set of actors in the criminal legal system. It extends the life of the Task Force to help continue to examine these issues and help steward an effective path forward.

It expands and diversifies the Task Force membership to include needed perspectives previously omitted, including the voice of the Maryland Office of the Public Defender (OPD). OPD brings critical knowledge surrounding the practical intricacies of case processing, and the feasibility, needs and opportunities of enhanced transparency and accountability across the state. In representing the vast majority of adults and children accused of crimes, and interfacing daily with state’s attorneys, OPD will have the ability to engage with practical and theoretical questions at the heart of the Task Force’s work, and in a way that many among our existing membership who are not practicing defense attorneys could not.

SB 617 will also advance the long road of culture change toward quality, consistent data collection at both the individual office and state level. As we learned through various presentations throughout the Task Force meetings, many state’s attorneys’ offices lack the infrastructure and capacity to consistently collect and publicize these data. Even in the small number of counties which make any of this information publicly available, it may be limited and difficult to interpret. The grant program established through this legislation is designed to address that, both for the offices whose outdated case management systems need improvement, and for the alarming number of counties that currently have no case management system at all.





Numerous critical debates over public safety philosophy and outcomes continue, and new ones emerge and are revisited through evolving societal standards and challenges. This includes, for example, how do we most effectively address the crisis of abysmal clearance rates for serious violent crime, and the disturbing racial disparities in these outcomes based on the race of the victim? How do we decisively determine whether it is helpful or counterproductive for public safety to allocate finite prosecutorial resources and attention to the pursuit in the criminal legal system of “quality of life” crimes?

These big and urgent public safety questions deserve data to inform them; and should not be left determined solely by the muscle memory of the system, instinct, or anecdotes. Our center seeks everyday to follow the data and understand that data through the lens of directly impacted people and other stakeholders. In that pursuit we are consistently challenged by the numerous areas in criminal justice where we all, as policymakers, practitioners, researchers and the public are harmed and stifled when needed information is insufficient, inconsistent, delayed, or a downright black box. Our communities, who fund state’s attorneys offices, and especially those who bear the brunt of our public safety challenges and system inequities, deserve so much more.

SB 617 is about taking the needed next steps in addressing this for one of the most powerful, high stakes decision-makers in the system. This work is needed to promote equity and systemic legitimacy, and to support and assist prosecutors in allocating limited resources and effective, efficient ways. We urge a favorable report.

Furthermore, we urge the sponsors and committee to continue working expeditiously toward mandatory data reporting standards and requirements, and in expanding the list of data points to be collected beyond those identified in the initial Task Force report. The initial Task Force recommendations represent only the first steps and the floor for what may be required in achieving the level of transparency and accountability in criminal justice decision-making and operations that the residents of Maryland deserve.

## **M. Sahaf (Vera Institute) SB 0617 Testimony (Feb 2**

Uploaded by: Mona Sahaf

Position: FAV

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

Supporting SBO617: 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 SBO617, 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.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup> 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](mailto:msahaf@vera.org) if I or the Vera Institute of Justice may provide further support to you all.

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<sup>1</sup> 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).

<sup>2</sup> Stemen, *The Prison Paradox*, , 2017, 1-2.

<sup>3</sup> 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>.

<sup>4</sup> 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](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.

**Support SB 617-prosecutorial information.docx.pdf**

Uploaded by: Philip Caroom

Position: FAV

## Support SB 617 – Prosecutors transparency / management

**MARYLAND ALLIANCE FOR JUSTICE REFORM**  
Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Will Smith and Senate Judicial Proc. Com.  
FROM: Phil Caroom, MAJR Executive Committee  
DATE: February 9, 2024

Maryland Alliance for Justice Reform (MAJR - [www.ma4jr.org](http://www.ma4jr.org)) supports SB 617. The bill will extend the life of the Taskforce [for] Transparency [for] State’s Attorneys,” provide much-needed funding of prosecutors’--now, inconsistent or absent-- case-management systems, and gather “data about arrests, charging decisions, and 15 other information about [each] case handled.”

Such data collection is crucial to increase public confidence in the fairness of our State’s criminal justice system. Why? Plea bargain practices, by which 95% of all criminal charges are resolved, contribute to the nation-leading disparity in the rate at which Maryland incarcerates black citizens.

The [Justice Policy Institute, just before the onset of the pandemic - late in 2019, reported that our state’s criminal justice system incarcerates black Marylanders disproportionately at a higher rate than any other U.S. state](#), including the runner-up sister-state Mississippi. Our incarceration for black citizens is more than double the national average. This report sparked calls from the Baltimore [Sun](#), the Washington [Post](#), community leaders and advocates around the State for investigation and change.

The General Assembly mandated, more than 20 years ago, that the Maryland State Commission on Criminal Sentencing Policy [MSCCSP] should seek to “reduce unwarranted disparity, **including any racial disparity**, in sentences for criminals who have committed similar crimes and have similar criminal histories.” Md.Code, Crim.Proc. Art., sec. 6-202 (Emphasis added.)

However, without sufficient data as to plea agreements, the Commission could not accomplish this function. SB 617 may supply the data needed for a real focus on this problem of racial disparities.

Conclusion: For all these reasons, MAJR strongly encourages the Committee to give SB 617 a favorable report.

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*PLEASE NOTE: Phil Caroom files this testimony for MAJR and not for the Md. Judiciary or any other unit of state government.*

**2024-02-09 SB 617 (FWA).pdf**

Uploaded by: Adam Spangler

Position: FWA

**ANTHONY G. BROWN**  
*Attorney General*



**CANDACE MCLAREN LANHAM**  
*Chief of Staff*

**CAROLYN A. QUATTROCKI**  
*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

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February 9, 2024

**TO:** The Honorable Will Smith, Jr.  
Chair, Judicial Proceedings Committee

**FROM:** Tiffany Johnson Clark  
Chief Counsel, Legislative Affairs, Office of the Attorney General

**RE:** Senate Bill 617 – Task Force to Study Transparency Standards for State's Attorneys and the State's Attorney Case Management System Grant Fund  
**(Favorable With Amendments)**

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The Office of the Attorney General (OAG) urges the Judicial Proceedings Committee to give **Senate Bill 617 – Task Force to Study Transparency Standards for State's Attorneys and the State's Attorney Case Management System Grant Fund**, sponsored by Senator Charles Sydnor, a favorable with amendments report. Senate Bill 617 extends the existing Task Force for three years and adds three members to the Task Force (the Governor's Office of Crime Prevention, Youth, and Victim Services, the Office of the Attorney General, and the Office of the Public Defender). Additionally, the bill establishes the State's Attorney Case Management System Grant Fund to help fund and support the modernization of software and computer systems used to collect and manage data on cases.

The Task Force to Study Transparency Standards for State's Attorneys was established in 2022 and issued its first report in December 2023. In the report, the Task Force found (1) a substantial need for State's Attorneys' offices to modernize their case management software systems and to establish statewide standards on data collection and (2) that fiscal support is necessary for financially stressed State's Attorneys' offices to be able to update their case management software systems. Senate Bill 617 addresses these concerns by creating the State's Attorney Case Management System Grant Fund to help State's Attorneys' offices afford modern case management systems.

The Office of the Attorney General would like to offer an amendment to Senate Bill 617 that would include the Office of the State Prosecutor and the units conducting criminal prosecution within the Office of the Attorney General as eligible entities to receive grants from the Fund. The



Office of the State Prosecutor and the Office of the Attorney General experience many of the same difficulties that State's Attorneys' offices experience when it comes to case management software systems. One of the purposes of Task Force is to create state-wide transparency standards and to do that, support for all prosecutorial offices in the State is necessary.

For the foregoing reasons, the Office of the Attorney General urges a favorable with amendments report on **Senate Bill 617**.

**SB617 - SAO taskforce-final.pdf**

Uploaded by: Amanda Rodriguez

Position: FWA



**BILL NUMBER:** SB0617

**TITLE:** Task Force to Study Transparency Standards for State’s Attorneys and the 2 State’s Attorney Case Management System Grant Fund

**COMMITTEE:** Judicial Proceedings

**HEARING DATE:** February 9, 2024

**POSITION:** Favorable – with amendments

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TurnAround, Inc. respectfully requests a favorable report on Senate Bill 617 with amendments. This bill supports the State’s Attorney Case Management System Grant Fund; and altering the membership, reporting requirement, and termination date of the Task Force to Study Transparency Standards for State’s Attorneys.

TurnAround, Inc. supports and advocates for survivors of sexual violence, intimate partner violence, and human trafficking. We provide direct services to approximately 3,000 to 4,000 survivors annually and respond to nearly 10,000 calls per year, double our typical pre-pandemic volume. Our Community Engagement and Training Team reached 14,000 community members in the Greater Baltimore area last year alone through prevention education and awareness activities.

Through this extensive, community-based work, we frequently see survivors of these crimes face barriers to justice through the legal system. According to an analysis of US Department of Justice data [conducted by The Rape, Abuse & Incest National Network \(RAINN\)](#), “about one out of four reported rapes leads to an arrest, and only about one out of four arrests leads to a felony conviction and incarceration.” Survivors face stigma, gaslighting, and backlogs of rape kits that often sit untested for years, a [problem we have seen first-hand locally](#) and are working closely with county officials to address.

Transparency at the State’s Attorney’s Office level is crucial to ensuring justice for these survivors. We support SB617 and its inclusion of one representative of a crime victims’ advocacy group, appointed by the Governor; and we respectfully request that another seat on the taskforce be dedicated to specific representation for survivors of domestic violence and sexual violence through the Executive Director of the Maryland Network Against Domestic Violence and the Maryland Coalition Against Sexual Assault.