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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



James Senate Office Building
11 Bladen Street, Room 216
Annapolis, Maryland 21401
410-841-3612
800-492-7122 Ext. 3612
Charles.Sydnor@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony for Senate Bill 343
State's Attorneys- Reconstitution of Task Force and
Establishment of Case Management System Grant Fund
Before the Judicial Proceedings Committee
January 30, 2025

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

Senate Bill 343 ("SB 343") picks up and expands on Chapter 141 of 2022 by reconstituting the Task Force to Study Transparency Standards for State's Attorneys ("Task Force") and codifying State's Attorney's Office Case Automation System Enhancement Grant Program ("Fund"). 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 continue to 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 its membership should be expanded.

First, SB 343 codifies the Fund. The Fund will provide State's Attorneys' offices with funds to establish or improve CMSs. The Fund consists 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 administers the Fund and establishes the procedures to apply for and receive Fund grants and solicits 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.

SB 343 reincorporates the Task Force, which was established to study Transparency Standards for the State's Attorneys Case Management Systems. Unfortunately, when the 2024 session ended, the former Task Force expired, without SB 617 having been passed which would have allowed the

Task Force to continue its work, therefore the need for SB 343. The new expiration date is an adjustment to cover the lost year. It shall remain effective for a period of 3 years and shall end June 30, 2028. As noted in Section 3 of the legislation, our goal is to secure as many former members as possible of the original task force to serve.

As such, I respectfully request a favorable report for SB 343.

2025-01-30 SB 343 OPD on State's Attorney's Task F

Uploaded by: Hannibal Kemerer

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

**BILL: Senate Bill 343 – State's Attorneys - Reconstitution of
Task Force and Establishment of Case Management System Grant Fund**

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: January 30, 2025

The Office of Public Defender urges this Committee to issue a favorable report on Senate Bill 343. Maryland’s criminal legal system suffers from racial and jurisdictional disparities at every level, from arrests and charging decisions to sentencing and parole outcomes. Geographic differences also deepen these inequities, as practices related to arrests, charging, pretrial detention policies, and evidentiary procedures vary significantly among counties. These disparities underscore the urgent need for legislative reforms to foster equity and transparency.

We agree with the Maryland Equitable Justice Collaboration that “[a]ddressing inequities in Maryland’s criminal legal system requires a foundation of transparency and detailed data tracking. “ By passing this legislation, you will establish a grant fund for electronic case management systems that equips State Attorneys’ offices with modern tools to collect and analyze data on arrests, charges, and case outcomes. That data, in turn, can lay the foundation for better understanding of the structural factors contributing to racial and geographic disparities in our criminal legal system.

Senate Bill 343 also facilitates informed policymaking by emphasizing data-driven solutions. This bill enables the systematic analysis of disparities in arrests, charging decisions, and sentencing, the bill supports the development of targeted interventions to address the disproportionate impact on communities of color.

It is our hope that the reconstituted Task Force, with an OPD designee among its members, can ensure these efforts remain collaborative, evidence-based, and oriented toward achieving transparency in prosecutorial practices.

The Office of Public Defender urges a favorable report on Senate Bill 343. Passage would constitute one step toward addressing long-standing inequities in Maryland’s criminal legal system.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.
Authored by: Hannibal Kemerer (hannibal.kemerer1@maryland.gov).

SB 343 SAO Task Force CCJR FAV.pdf

Uploaded by: Heather Warnken

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 343

Reconstitution of Task Force and Establishment of 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: January 28, 2025

My name is Heather Warnken, and I serve as Executive Director of the University of Baltimore School of Law’s Center for Criminal Justice Reform. The Center 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 343.

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 to pursue—criminal cases. They decide what charges to bring, when and what plea offers to make, and determine numerous other decision points that 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 discretionary decisions happen behind closed doors with little to no scrutiny or awareness by outside entities, including voting members of the public who put elected state’s attorneys in office, or remove them if they are unhappy with their performance or policies. 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 and outcomes, such as an office’s current resource availability, policy priorities, and more.

A groundswell of energy and investment in the need for data-driven systemic reforms

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 as first in the nation in over-incarceration of Black males, led to the launch of the Maryland Equitable Justice



Collaborative (MEJC) in October 2023. This historic initiative, led by the Maryland 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, the policies and practices behind it, particularly those impacting Black men and other marginalized groups.

Last month, after a rigorous deliberative and research-backed process, MEJC approved its first set of policy recommendations, including, *“Conduct a qualitative and quantitative analysis of each step in the criminal legal process – from arrest to parole – to understand the impact of racial and geographic disparities in Maryland’s adult prison population.”*

Beyond Maryland, given the growing evidence surrounding these systemic challenges, and mounting interest across diverse, bipartisan constituencies on how to promote efficiency and fairness in the justice system, a proliferation of prosecutorial-focused resources has emerged across the United States. This includes the Vera Institute’s Researching Prosecution Initiative and dedicated nonpartisan centers such as the Institute for Innovation in Prosecution at John Jay College of Criminal Justice. There is a strong bipartisan movement to help guide more effective, equitable practices, confronting long-standing criminal justice policies and practices with new lenses and tools. There is growing recognition that “the way we’ve always done it” is not sufficient justification for how to proceed.

Reconstituting the Task Force to Steward an Effective Grant Program and Approach

Much like the legislation that created the Task Force, SB 343 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 to 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 criminal defense attorneys could not.

SB 343 will also advance the long road of culture change toward quality, consistent data collection at both the individual office- and state-level through the Case Management System Grant program. As we learned throughout the Task Force meetings, many state’s attorneys’ offices lack the infrastructure and capacity to consistently collect and publicize this data. Even in the small number of counties that make any of this information publicly available, it may be limited and difficult to interpret. The grant program supported through this legislation is designed to address that, both for the offices whose outdated case management systems need improvement, and for counties that astoundingly in 2025 have no case management system at all.

A cadre of diverse Maryland counties and bipartisan elected State’s Attorneys are successfully pursuing data collection efforts and uplifting why it matters

Four jurisdictions have launched efforts to share case metrics not typically available to the public. Initiatives underway in Baltimore City and Charles, Frederick and Montgomery counties are done in partnership with Prosecutorial Performance Indicators (PPI) and in consultation with researchers from top universities, made possible through grant funding. As part of collaborative agreements, the offices have committed to publish their findings regardless of what the data reveals, address any racial injustices, and ensure more fairness and equity. In exchange, they receive free expert help setting up their systems and data analysis provided by leading experts.

- **Montgomery County** was the first in the state to launch an online dashboard in October. “The website shows five years of metrics on guilty pleas rates by race, case types and resolutions, and breaks down demographics of defendants and victims by race and gender. “I am not afraid for the community to see how we arrive at our decisions and how we evaluate our cases,” State’s John McCarthy said. “I think we are accountable to them.” McCarthy said the data analysis exposed him to different ways of looking at cases. For example, he said he started to question the efficiency of making multiple charges when most convictions end with a defendant pleading guilty to only one or two offenses. He also became curious whether the number of charges varied by race. “You’re beginning to analyze your data differently than you did before in terms of overall efficiency,” he said.”¹
- **Charles County:** Still in the early phases, State’s Attorney Covington said “he’s looking forward to seeing “what this data can tell us about how we’re doing our job and making sure we’re doing it as fairly as possible.”²

¹<https://www.thebaltimorebanner.com/politics-power/state-government/maryland-states-attorneys-data-access-3BBFYZFNVZEVKRP5VABUVC6KCI/>.

²<https://www.thebaltimorebanner.com/politics-power/state-government/maryland-states-attorneys-data-access-3BBFYZFNVZEVKRP5VABUVC6KCI/>.

- **Baltimore City:** Baltimore City is also in the process of reworking a legacy dashboard with PPI. “We have a duty to uphold public trust and ensure that our actions are visible and accountable to the communities we serve,” said James Bentley, spokesperson for Baltimore State’s Attorney Ivan Bates.³
- **Frederick County:** as reported in the Banner, Frederick County State’s Attorney’s Office recently noted case data as a powerful management tool. “Keeping an eye on attorney work loads could help make a case for more positions, prevent staff burnout and retain experienced attorneys. Another critical component will be giving constituents accurate statistics so they can know what’s happening in their communities rather than what they’re absorbing on the news or on social media.”⁴

SB 343 is well within the norm of states’ approaches across the country

The Task Force Final Report includes a helpful *Appendix 2. Transparency Measures for Prosecutors Required by Legislation Nationwide*.⁵ At least eight states, including AZ, CA, CO, CT, FL, MN, NJ, UT have passed legislation requiring data collection and transparency from their prosecutors. Other states have established offices and/or programs devoted to providing technical assistance to prosecutors to support this important work. For example,

- Colorado passed legislation creating and funding the Colorado Integrated Criminal Justice Information System, a centralized state-wide data system that provides technical support to offices in maintaining data standards.⁶ A recent report on the program speaks to their key findings: “(1) Staff in DA offices have benefited from—and continue to see the value in— increased access to information about the office as a whole. (2) Staff in DA offices continue to believe in the importance of community engagement, and, since the start of the project, more strongly believe in transparency efforts. (3) Staff in DA offices remain mixed on their perceptions of racial/ethnic disparities in the justice system.”⁷
- The Prosecuting Attorneys Association of Michigan develops software and helps offices with technical matters. Developing a similar centralized support system for Maryland

³<https://www.thebaltimorebanner.com/politics-power/state-government/maryland-states-attorneys-data-access-3BBFYZFNVZEVKRP5VABUVC6KCI/>.

⁴<https://www.thebaltimorebanner.com/politics-power/state-government/maryland-states-attorneys-data-access-3BBFYZFNVZEVKRP5VABUVC6KCI/>.

⁵ https://mgaleg.maryland.gov/Pubs/CommTFWorkgrp/2023-TSS_Final_Report.pdf (page 9).

⁶ Colorado Integrated Criminal Justice Information System homepage, accessed February 22, 2022, <https://cicjis.colorado.gov/>.

⁷ https://coloradolab.org/wp-content/uploads/2024/06/Colorado-Prosecutorial-Dashboards_Project-Survey-Results_2023.pdf

state’s attorneys could help with standardizing data collection and ease implementation of the legislation.⁸

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 they should not be left determined solely by the muscle memory of the system, instinct, or anecdotes. Our center seeks every day 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 systemic inequities, deserve so much more.

SB 343 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 in effective, efficient ways.

Furthermore, we urge the sponsors and committee to continue working expeditiously toward mandatory data reporting standards and requirements and 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.

We urge a favorable report.

⁸ Prosecuting Attorneys Association of Michigan homepage, accessed February 22, 2022, <https://www.michiganprosecutor.org/>.

MEJC Written Testimony Informational SB 343 1-30.p

Uploaded by: MECJ Maryland Equitable Justice Collaborative

Position: INFO



POSITION ON PROPOSED LEGISLATION

BILL: Senate Bill 343 - State's Attorneys – Reconstitution of Task Force and Establishment of Case Management System Grant Fund

FROM: Maryland Equitable Justice Collaborative (MEJC)

POSITION: INFORMATIONAL (SUPPORT IN CONCEPT)

DATE: January 30, 2025

The Maryland Equitable Justice Coalition (MEJC) submits this testimony supporting Senate Bill 343 in concept and providing the following information regarding its alignment with our ongoing efforts to address systemic inequities in Maryland's criminal justice system.

About the Maryland Equitable Justice Collaborative

The Maryland Equitable Justice Collaborative (MEJC) was established by the Office of the Attorney General (OAG) and the Office of the Public Defender (OPD) to address racial disparities in mass incarceration in Maryland. This initiative is the first of its kind. It was developed based on listening sessions the Attorney General and Public Defender held with impacted people, advocates, and other community members. Academic partners, including the Judge Alexander Williams Center for Education, Justice & Ethics at the University of Maryland at College Park and the Bowie State University Institute for Restorative Justice, were brought in to ensure the work is evidence-based and data-driven statewide.

The MEJC comprises over 40 representatives from state agencies, community groups, subject matter experts, and people directly impacted by the system. Its initiatives are organized into workgroups focusing on various factors influencing incarceration rates. Each workgroup is led by a staff member from the Office of the Attorney General, a staff member from the Office of the Public Defender, and a community advocate with relevant expertise. Community voices and public input have shaped the recommendations developed by the workgroups of the MEJC. In December 2024, the MEJC approved 18 recommendations for legislative and agency reforms, program development, data collection, and other measures designed to reduce the mass incarceration of Black men and women and other marginalized groups in Maryland prisons and jails. Recommendation No. 4 urges the Maryland General Assembly to require police, prosecutors, and courts to share detailed data at every decision point, including arrests, charges, plea deals, pretrial detention, sentencing, and parole decisions for the purpose of conducting a qualitative and quantitative analysis of each step in the criminal legal process to understand the impact of racial and geographic disparities in Maryland's adult prison population.

The Need for Enhanced Transparency

The criminal justice system in Maryland shows racial and jurisdictional disparities at every level, from arrests and charging decisions to sentencing and parole outcomes. Geographic differences also deepen these inequities, as practices related to arrests, charging, pretrial detention policies, and evidentiary procedures vary significantly among counties. These disparities underscore the urgent need for legislative reforms to foster equity and transparency.

Establishing the State's Attorney Case Management System Grant Fund and reconstituting the Task Force to Study Transparency Standards for State Attorneys are integral steps toward understanding the scope of the disparities that disrupt our goal of an equitable criminal legal system in Maryland.

Alignment with MEJC Recommendations

MEJC's recommendation to investigate the drivers of racial and geographic disparities in Maryland's adult prison population calls for a comprehensive analysis of the criminal legal process—from arrest to parole. This approach seeks to uncover systemic inequities and inform solutions, advancing the objectives of Senate Bill 343.

Identifying Systemic Inequities: Addressing inequities in Maryland's criminal legal system requires a foundation of transparency and detailed data tracking. SB 343's creation of a grant fund for electronic case management systems equips State Attorneys' offices with the resources and tools to collect and analyze data on arrests, charges, and case outcomes. These improvements can lay the groundwork for understanding the structural factors contributing to racial and geographic disparities in the criminal legal system.

Promoting Data-Driven Interventions: Senate Bill 343 also facilitates informed policymaking by emphasizing data-driven solutions. By enabling the systematic analysis of disparities in arrests, charging decisions, and sentencing, the bill supports the development of targeted interventions to uncover and address the disproportionate impact on communities of color. The reconstituted Task Force can ensure these efforts remain collaborative, evidence-based, and oriented toward achieving transparency in prosecutorial practices.

Conclusion

The Maryland Equitable Justice Collaborative commends Senate Bill 343 as a critical step toward addressing long-standing inequities in Maryland's criminal justice system. The bill's provisions align with MEJC's recommendations for identifying and mitigating systemic disparities, thereby advancing justice for all Marylanders. We encourage the Committee to consider this legislation as an opportunity to foster transparency and accountability.

Submitted by: Maryland Equitable Justice Collaborative

**Anthony Brown, Co-Chair
Maryland Attorney General**

**Natasha Dartigue, Co-Chair
Maryland Public Defender**