

D15A05.21
Criminal Justice Coordinating Council

Operating Budget Data

(\$ in Thousands)

	<u>FY 2002</u> <u>Actual</u>	<u>FY 2003</u> <u>Approp</u>	<u>FY 2004</u> <u>Allowance</u>	<u>FY 03-04</u> <u>Change</u>	<u>FY 03-04</u> <u>% Change</u>
General Funds	\$250	\$245	\$238	-\$7	-2.9%
FY 2003 Cost Containment	0	-12	0	12	
Judiciary General Funds	150	150	150	0	0.0%
Adjusted Total Funds	\$400	\$383	\$388	\$5	1.3%

- The Criminal Justice Coordinating Council also receives a \$150,000 grant from the Judiciary.

Personnel Data

Although the council receives no State positions for personnel, the funds from the Executive and Judicial Branches of government are used to support the salaries and health insurance benefits of a director, a secretary, and temporary and part-time employees of the council.

Note: Numbers may not sum to total due to rounding.

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Analysis in Brief

Major Trends

Criminal Court Dockets: The criminal dockets of the district and circuit courts are overloaded.

Baltimore City Detention Center: The pretrial population of the Baltimore City Detention Center is overcrowded with many inmates sleeping in “boats” or temporary beds on the floor.

Issues

Early Resolution Process: How well is it working?

Night Court: Other metropolitan jurisdictions have night court, why not Baltimore City?

Recommended Actions

1. Concur with Governor’s allowance.

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Operating Budget Analysis

Program Description

The Criminal Justice Coordinating Council for Baltimore City (CJCC) is an *ad hoc* volunteer group composed of the head of various city, State, and federal agencies providing criminal justice services to Baltimore City. Since March 1999, CJCC has held public monthly meetings to address systemic reforms of the Baltimore City criminal justice system. Members of the council serve on workgroups to study specific problem areas and to make recommendations to the council. In addition, CJCC has organized subcommittees in an attempt to streamline its decision-making capabilities. The subcommittees are as follows:

- Early Disposition Court;
- Discovery Protocol;
- Computer Technology;
- Bail Reform;
- Substance Abuse;
- Drug Court;
- Court Processes; and
- Warrant Task Force.

The purpose of these subcommittees is to address certain issues and develop recommendations to report to CJCC.

Fiscal 2003 Actions

The Board of Public Works approved the cost containment plan January 8, 2003. The CJCC appropriation was reduced \$12,000. The council had \$13,498 unspent carryover funds from fiscal 2002. The council also received a \$150,000 appropriation in the Judiciary budget and, therefore, had \$415,498 available in fiscal 2003 before cost containment. CJCC now has \$401,498 after cost containment.

Governor's Proposed Budget

The fiscal 2004 allowance includes \$238,000 for CJCC. In addition, the Judiciary's budget includes \$150,000 for CJCC. The proposed budget in **Exhibit 1** includes the Judiciary funds.

Exhibit 1

**Criminal Justice Coordinating Council for Baltimore City
Funding from All State Sources**

	FY 2002	FY 2003	FY 2004	FY 03-04	FY 03-04
	<u>Actual</u>	<u>Approp.</u>	<u>Allowance</u>	<u>Change</u>	<u>%Change</u>
General Funds	\$250	\$245	\$238	-\$7	-2.9%
FY 2003 Cost Containment	0	-12	0	12	-100.0%
Judiciary General Funds	150	150	150	0	0.0%
Adjusted Total Funds	\$400	\$383	\$388	\$5	1.3%

Where it Goes:

Personnel:

Salaries and health benefits of Director and Secretary.....	\$132
Social Security contribution.....	8
Temporary office support	10
Part-time fiscal support staff.....	20
Subtotal personnel costs	\$170

Other Operating Expenses:

Communications	4
Travel.....	9
Connectivity activities	153
Web page upgrade and maintenance	6
Other contractual services	24
Supplies and materials.....	34
Less adjustment in final budget.....	-12
Total Budget for 2004	\$388

Note: Budget numbers shown above include all sources for fiscal 2004 – including the Judiciary – not just the increase.

Source: Governor's Finance Office and Judiciary Budget

Issues

1. Early Resolution Process

Section 28 of the fiscal 2003 budget bill required all the stake holders in the early resolution process – the District Court, Department of Public Safety and Correctional Services (DPSCS), Office of the Public Defender (OPD), Baltimore City State’s Attorney’s Office, Baltimore City Mayor’s Office and CJCC – to submit to the budget committees a report on the Early Resolution Court. The Early Resolution Report was submitted on time with the components required by the budget bill language, and the funds were released.

While the agencies have complied with the budget bill language, a review of the data does not demonstrate that the Early Resolution Process has resolved all problems of the criminal justice system. Indeed, a look back ten years shows that not much has changed. While the Early Resolution Process has increased efficiency, most of the problems with the criminal justice system that existed in Baltimore City 10 years ago still exist today.

- The Baltimore City Detention Center is still overcrowded and not in compliance with court mandated population caps (Kaufman decision).
- Over half of the cases postponed in the circuit court were postponed because a State’s Attorney or defense attorney were not available; over 40% of circuit court filings are Jury Trial Prays from the District Court.
- The Public Defender system, at least for the remainder of fiscal 2003, continues to be under funded and saddled with caseloads for attorneys that are not realistic.
- Judicial economy with more docket time devoted to serious felony offenses is a goal, but docketed cases scheduled for trial still have to be postponed when no court room and/or judge are available that day.
- The State’s Attorney is forced to plea bargain a significant number of serious felony cases to avoid a trial and close the case.

The Early Resolution Process goals:

- reduced police overtime for court appearances to allow a stronger police street presence;
- early identification of defendants who need additional services, e.g., drug rehabilitation and mental health services;
- better utilization of scarce public defender resources at a time when spending must be reduced to meet the projected budget deficit;

D15A05.21 - Criminal Justice Coordinating Council

- free-up pretrial detention bed space in the Baltimore City Detention Center;
- a more efficient bail review process; and
- more community service and work release options as alternatives to incarceration for less serious offenses.

The Public Defender's deficiency request (\$803,598) and the 13 positions to address the Baltimore City felony caseload crisis should alleviate the caseload problem noted above because the positions are currently filled. However, the panel fees (\$1,013,159) cut from the OPD's budget as a part of fiscal 2003 cost containment will still be an issue until the panel fees are restored in the fiscal 2004 budget. OPD will have a problem in providing representation where there is more than one defendant in a case, and OPD needs to panel out representation for other defendants unless they all agree to be represented by the same attorney. **It is recommended that the Baltimore City Public Defender comment on this issue and its impact on scheduling cases for trial in the city.**

One example of judicial economy and efficiency now, compared to the past, is in the Circuit Court of Baltimore City. In Baltimore City the circuit court has fully implemented a differentiated case management for the criminal docket, implemented central arraignments, and taken aggressive measures to reduce postponements. These policies result in fewer cases not meeting the 180-day rule. The average time of a felony criminal case from arraignment to disposition is now 131 days. Under the 180-Day Rule, a criminal case may not be set for trial later than 180-days after the earlier of the entrance of defense counsel's appearance or the first appearance of the defendant in court.

The Early Resolution Process has focused on improving the process after arrest to reduce incarceration so that pretrial detention can be devoted to more serious offenders. If the Early Resolution Process results in the re-arrest of the same offenders for new and/or more serious offenses, the Early Resolution Process will have failed in the ultimate objective of reducing crime and making the streets safe for law abiding citizens. Tracking offenders who have benefited from the Early Resolution Process should be added to key indicators of the Early Resolution Process.

Finally, if the State fiscal constraints preclude adding dedicated funding for the Early Resolution Process, participants in the Early Resolution Process should continue participation in the Early Resolution Process for efficiency and economy of government. That in itself may compel continuation of the Early Resolution Process.

Early Resolution (ER) District Court

In October 2002, judges of the circuit court agreed to not violate the defendants' probation if they plead guilty to nuisance and petty misdemeanors in ER court. **It is recommended that the State's Attorney for Baltimore City and OPD comment on how this has changed the case backlog and impact on individuals held in the Baltimore City Detention Center.**

Bail Review Central Booking

It is alleged that many defendants are held in the detention center because they cannot make small amounts set for bail at prior bail hearings. A Law School professor at the University of Baltimore has agreed to a student project to review all cases where defendants are detained for less serious offenses to test this assumption. **It is recommended that pretrial services comment on this and other efforts to obtain additional information for bail review of these defendants and what impact the bail review process has made on the Pretrial Detention Center population.**

Quality Case Review

The State's Attorney has a Quality Case Review program (QCR). QCR uses a list of defendants who remain incarcerated three days after arrest to screen eligible cases for early disposition. **It is recommended that the State's Attorney and OPD discuss the QCR process and its impact on the Pretrial Detention Center population.**

2. Night Court

Despite implementation of differentiated case management in the courts and the Early Resolution Process, there continues to be a backlog of defendants held at the detention center awaiting trial. Often there is not a judge and/or a courtroom available to schedule a case for trial. One option to reduce the backlog would be to schedule some cases for trial at night using judges from other jurisdictions with less pressing caseloads. Judges could be assigned to a duty roster and assigned to the Baltimore District and circuit courts on a rotating basis. Obviously there would be added costs inherent with this proposal, but there would also be savings. Other metropolitan jurisdictions have night court, why not Baltimore City? **It is recommended that the Judiciary and all CJCC parties comment on implementing night court and consider adding night court to the CJCC agenda for review and consideration.**

Recommended Actions

1. Concur with Governor's allowance.

Current and Prior Year Budgets

**Current and Prior Year Budgets
Criminal Justice Coordinating Council
(\$ in Thousands)**

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2002					
Legislative Appropriation	\$250	\$0	\$0	\$0	\$250
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	0	0	0	0	0
Reversions and Cancellations	0	0	0	0	0
Actual Expenditures	\$250	\$0	\$0	\$0	\$250
Fiscal 2003					
Legislative Appropriation	\$245	\$0	\$0	\$0	\$245
Budget Amendments	-12	0	0	0	-12
Working Appropriation	233	\$0	\$0	\$0	\$233

Note: Numbers may not sum to total due to rounding.

D15A05.21 - Criminal Justice Coordinating Council

Appendix 2

Object/Fund Difference Report
Criminal Justice Coordinating Council

<u>Object/Fund</u>	<u>FY 02 Actual</u>	<u>FY 03 Working Appropriation</u>	<u>FY 04 Allowance</u>	<u>FY 03 – FY 04 Amount Change</u>	<u>Percent Change</u>
Objects					
08 Contractual Services	\$ 0	-\$ 5,000	\$ 0	\$ 5,000	-100.0%
12 Grants, Subsidies, Contr	250,000	250,000	238,000	-12,000	-4.8%
Total Objects	\$ 250,000	\$ 245,000	\$ 238,000	-\$ 7,000	-2.9%
Funds					
01 General Fund	\$ 250,000	\$ 245,000	\$ 238,000	-\$ 7,000	-2.9%
Total Funds	\$ 250,000	\$ 245,000	\$ 238,000	-\$ 7,000	-2.9%

Note: Fiscal 2003 appropriations and fiscal 2004 allowance do not include cost containment and contingent reductions.