
Maryland Courts, Criminal Justice, and Civil Matters

**Presentation to the
New Members of the
Maryland General Assembly**

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

December 3, 2014

Department of Public Safety and Correctional Services (DPSCS)

Functional Overview

- **Custodial Function:** responsible for the physical confinement and control of inmate and detainee populations.

North, South, Central Region Corrections	Central Region Detention	Office of the Deputy Secretary for Ops – Programs & Services, Security Operations	MD Correctional Enterprises
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- **Supervision Function:** responsible for monitoring compliance of offenders under criminal supervision in the community.

MD Parole Commission	North, South, Central Region Parole & Probation	Office of the DSO – Div. of Parole & Probation
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- **Boards & Commissions:** responsible for developing various policies and standards, or providing financial support, depending on specific agency.

Police & Correctional Training Commissions	Emergency Number Systems Board (ENSB)	MD Comm. On Correctional Standards
Criminal Injuries Compensation Board	Inmate Grievance Office	

- **Administration:** responsible for supporting operations of other functional units.

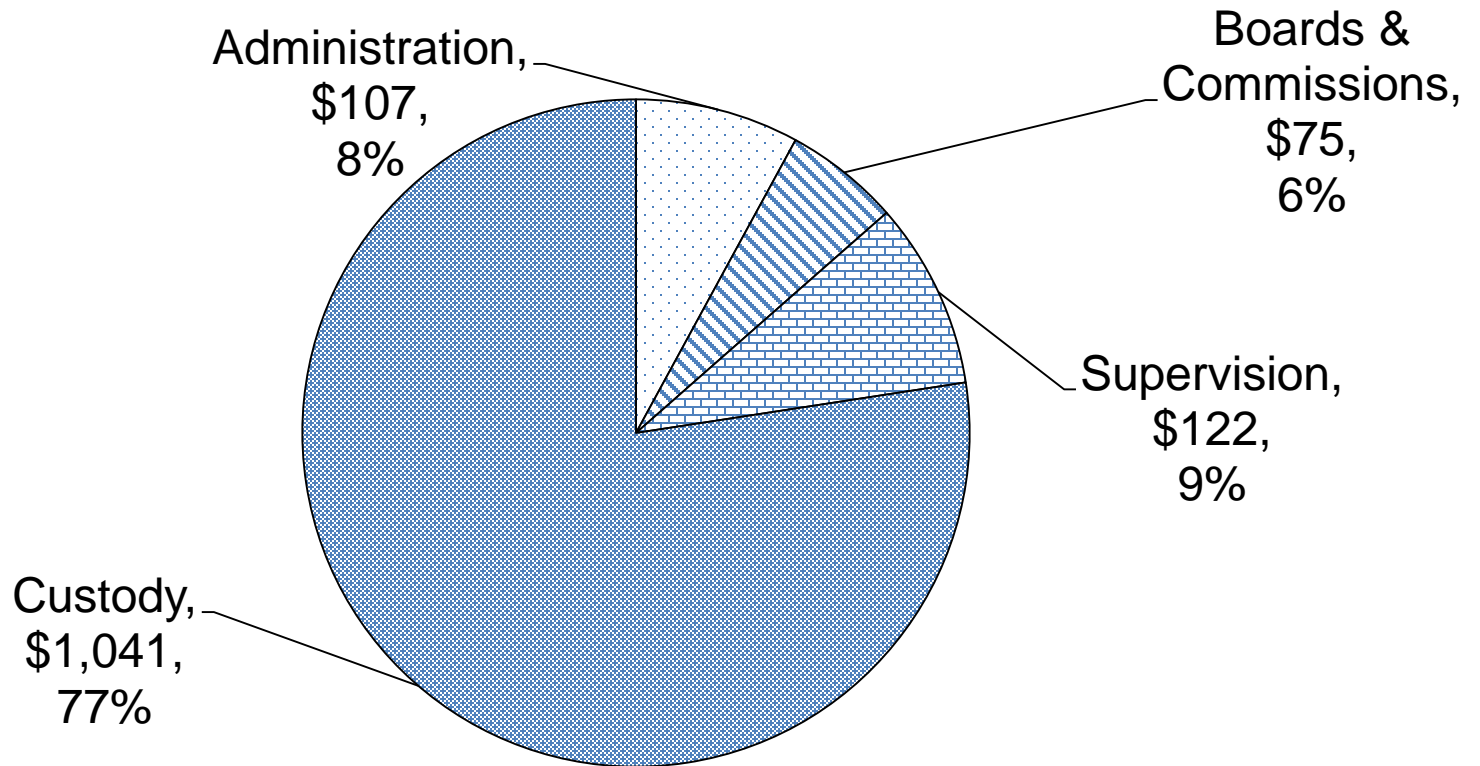
Office of the Secretary – except ENSB	Office of the Deputy Secretary for Operations – Administration	North, South, Central Region Administration
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Budget Overview

- FY 2015 Operating Budget = \$1.3 billion
 - Includes 11,126 positions and 393 contractual FTEs
 - 87% of budget is general funds
- Significant Capital Construction Projects
 - Dorsey Run Correctional Facility (Jessup)
 - 1,120 bed facility
 - Total Project Cost = \$55.1 million
 - Youth and Women's Detention Centers (Baltimore City)
 - 60 youth beds/512 female beds
 - Total Project Cost = \$185.9 million

Operating Budget

Fiscal 2015 Legislative Appropriation by Function (\$ in Millions)



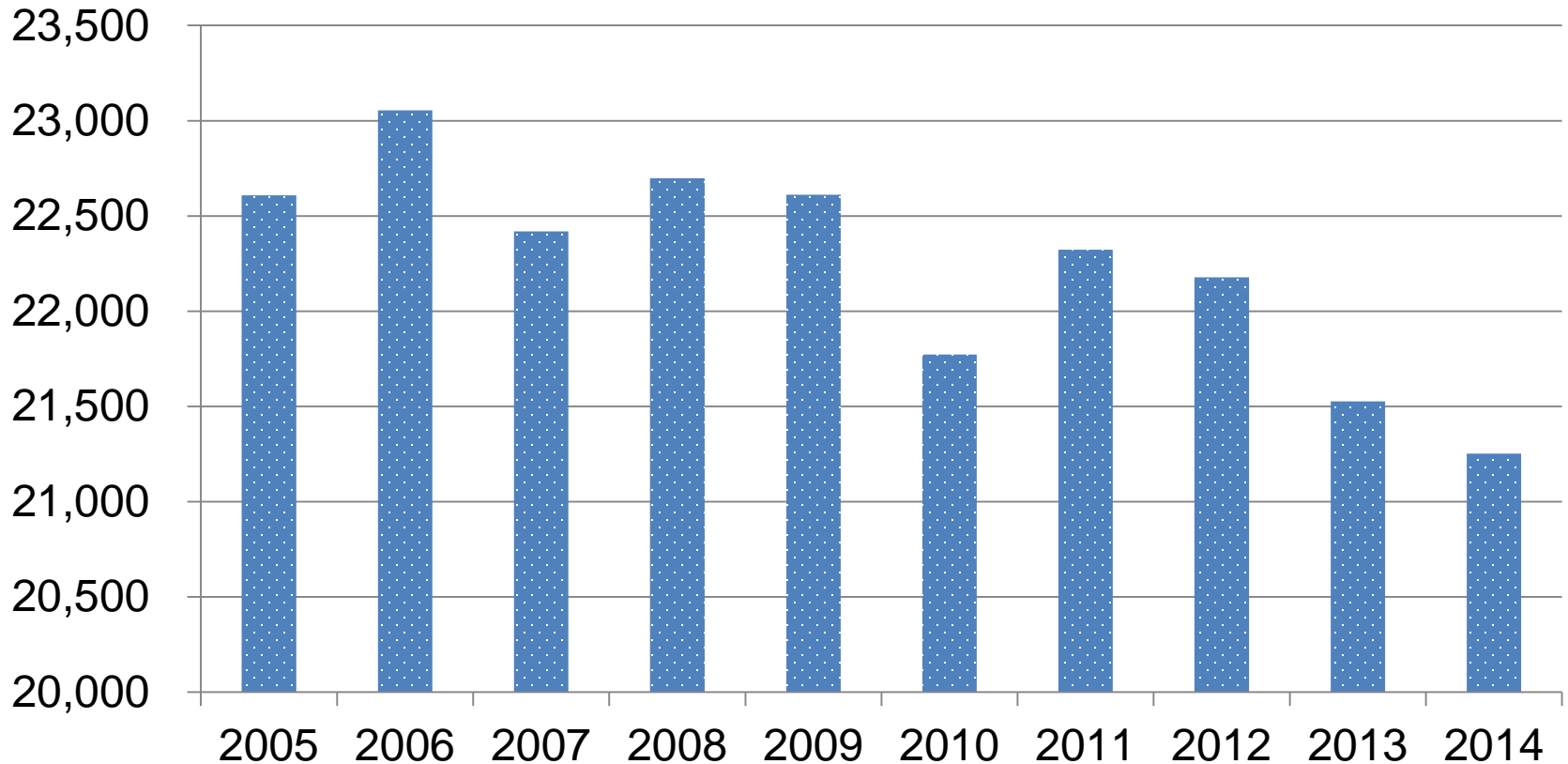
Facilities Map



DPSCS operations include 3 custodial regions that oversee a total of 23 facilities.

Corrections Operations

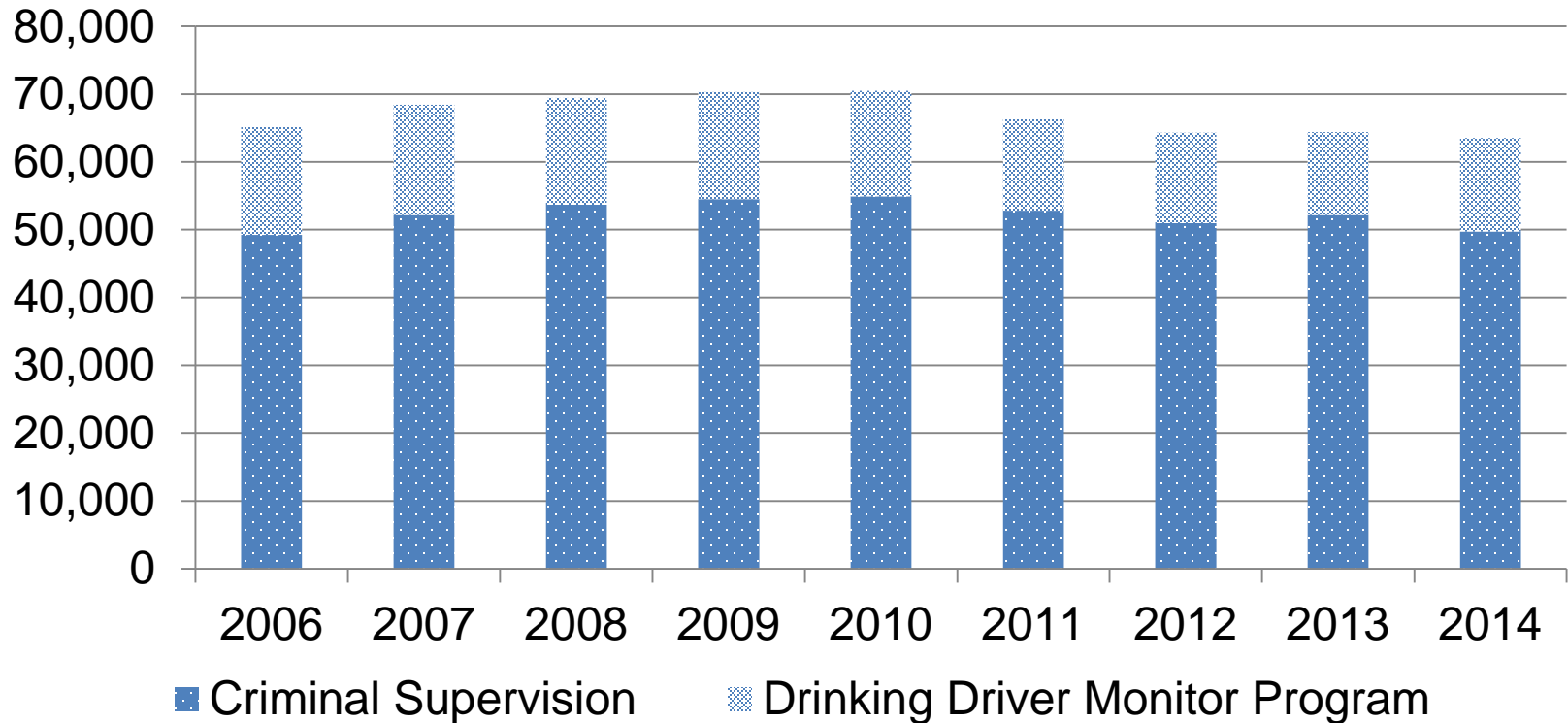
Average Daily Population
Fiscal 2005-2014



- Maryland's sentenced offender population declined by 6.0% between fiscal 2005 and 2014, from 22,609 to 21,253 inmates.

Division of Parole and Probation (DPP)

Active Supervision Cases
Fiscal 2006-2014



- Total active cases under DPP supervision have decreased by 9.5% since fiscal 2010, the majority of which were criminal supervision cases.

Funding and Policy Issues

- **Correctional Facility Security Issues and Upgrades:** Since corruption issues at the Baltimore City Detention Center were made public in April 2013, \$23 million has been provided to improve security and staffing within the department.
- **American Correctional Association (ACA) Accreditation:** Following the enactment of legislation in 2013 repealing a statutory provision prohibiting the use of State funds for pursuing ACA accreditation, DPSCS has indicated its intent to pursue accreditation for all of its facilities.

Funding and Policy Issues (Cont.)

- **Custodial Staffing Requirements:** A January 2014 analysis conducted by the department indicated significant staffing deficiencies in each custodial agency. In response, the legislature adopted budget bill language expressing legislative intent for DPSCS to add 523 additional positions over the next few years.

Maryland Courts and Related Offices

Maryland's Courts and Related Offices

- Structure of the Court System
- Judicial Agencies
- Legal Representation of the State
- Legal Services of Indigent Parties

Maryland Court Structure

- Four main levels of courts
 - Court of Appeals
 - Court of Special Appeals
 - Circuit Courts
 - District Court

Court of Appeals

- Maryland's highest appellate court
- Composed of Chief Judge and six associate judges
- Chief Judge is the administrative head of the judicial system
- In addition to hearing appeals, the court also adopts rules to govern practice, procedure, and judicial administration
 - Includes admittance to the Maryland State Bar and disciplinary proceedings involving attorneys and judges

Court of Special Appeals

- Composed of 15 members, including a Chief Judge
 - Usually sit in panels of 3
- Hears almost all initial appeals from circuit courts and orphans' courts

Circuit Courts

- One in each county of the State and Baltimore City (24 total)
- Joint local/State funding responsibility
- Handles major trials and cases, including:
 - All jury trials
 - Major civil cases, including family law
 - Juvenile jurisdiction
 - Certain appeals from the District Court
- Total of 162 judges
- Clerks of the Circuit Court
 - One elected Clerk per county
 - Assist in circuit court administration

District Court

- One unified State court with a presence in each county
- Hears lower level cases, mainly including traffic violations, landlord and tenant cases, and criminal misdemeanors
- 116 judges, including a Chief Judge of the District Court
- District Court Commissioners
 - Appointed by administrative judges in each district
 - Conduct initial appearances and issue warrants, interim domestic violence protective orders, and peace orders

Other Courts

- Orphans' Court
 - Responsible for the probate function in each jurisdiction, with the exception of Harford and Montgomery counties (circuit court)
 - Three elected judges for four-year terms (Baltimore and Prince George's counties and Baltimore City require judges to be members of the Bar)
- Office of Administrative Hearings
 - Independent unit of the Executive Branch which conducts quasi-judicial hearings for Executive Branch agencies
 - 55 administrative law judges, including the Chief Administrative Law Judge
 - Major case loads come from Department of Health and Mental Hygiene, Department of Human Resources, and Maryland Department of Transportation

Judicial Agencies

- Maryland Judicial Conference
 - Composed of judges of the State and meets annually to consider improvements to judicial practice, recommend legislation, and change the court rules
- Administrative Office of the Courts
 - Headed by the State Court Administrator
 - Assists in the administration of the Judicial Branch, including:
 - Preparation and administration of the judicial budget
 - Relations with the Executive and Legislative branches
 - Information systems operation and maintenance
 - Planning and research

Judicial Agencies (Cont.)

- Commission on Judicial Disabilities
 - Investigates complaints against judges
- State Board of Law Examiners
- Attorney Grievance Commission and Client Protection Fund of the Bar of Maryland
 - Investigates complaints against lawyers
- State Reporter
- State Law Library

Other Offices

- Registers of Wills
 - Collects inheritance taxes and fees associated with judicial administration of the estates of decedents and provides administrative support to the orphans' court
 - One elected in each county
- Sheriffs' Offices
 - One per county, and duties may include law enforcement, serving papers, courtroom security, transporting prisoners, and administering local detention centers
 - Each sheriff is elected

Legal Representation of the State

- Office of the Attorney General
 - Represents the State in all legal matters, including all criminal appeals
- Office of the State Prosecutor
 - Independent office responsible for investigating and prosecuting criminal offenses under State election and ethics laws, State bribery laws, and malfeasance in office
- Office of the State's Attorney
 - One per county, with the State's Attorney elected
 - Prosecutes persons accused of violating State criminal laws or certain county or municipal ordinances

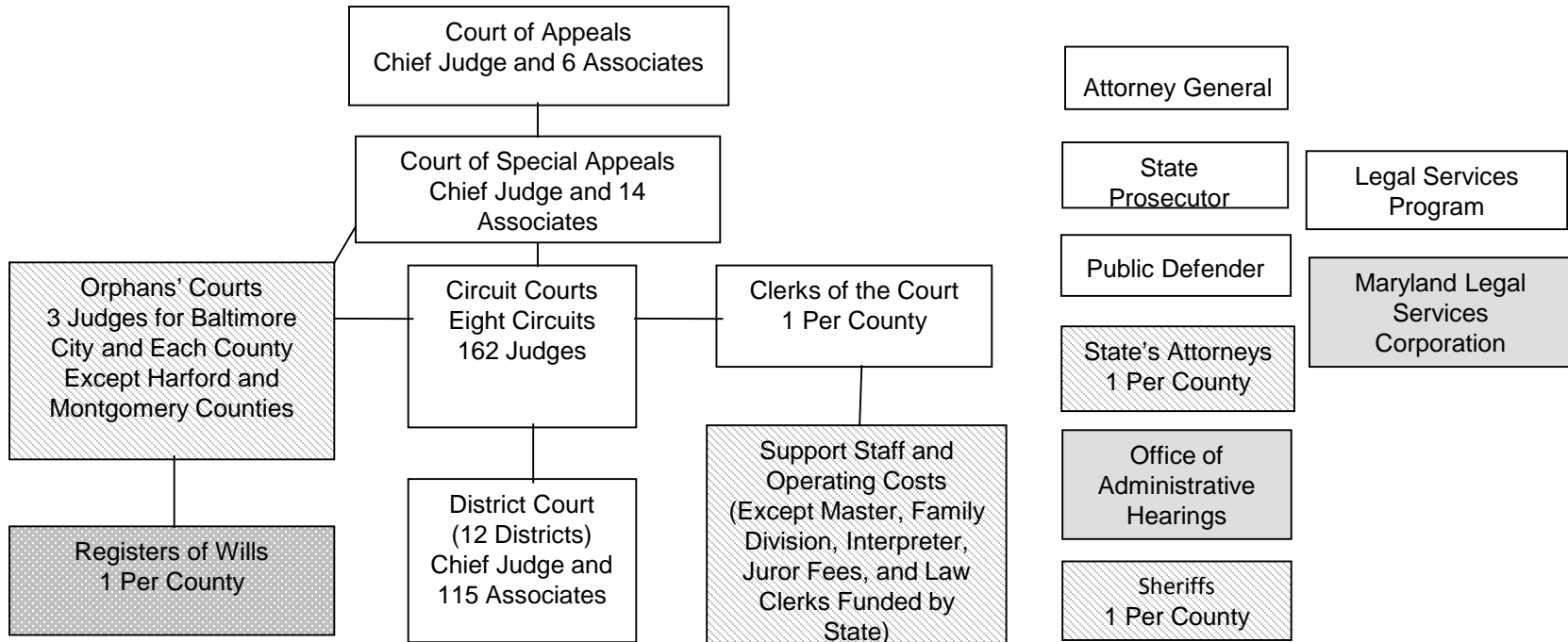
Legal Services for Indigent Parties, Criminal

- Office of the Public Defender
 - Statewide agencies which represent indigent defendants in criminal trials and appeals
- District Court of Maryland Appointed Attorneys Program
 - Response to *Richmond* decision to provide counsel at initial appearances

Legal Services for Indigent Parties, Civil

- Maryland Legal Services Corporation
 - Provides grants to legal services agencies to assist indigent clients in civil proceedings
 - Receives State funding through the Maryland Legal Services Corporation Fund
- Legal Services Program
 - Run by the Department of Human Resources to purchase legal services for children in need of assistance and termination of parental rights proceedings, as well as for disabled indigent adults in adult public guardianship cases

Maryland Judicial System



Key

- Indicates State Funding Responsibility
- Indicates Expenses Covered by Fees

- Indicates State Funding Plus Fees
- Indicates Local Funding Responsibility

Domestic Violence in Maryland

Reported Domestic Violence Crimes

2013 Uniform Crime Report (UCR)

- 27,785 reported “domestic violence” crimes
- 90% of these crimes were assault
- 54 domestic violence homicides
- Almost 70% of the victims were female

Domestically Related Crimes

- Maryland does not have a specific crime of domestic violence
- As of 2012, “domestically related crimes” are distinguished
 - Domestically related crimes are flagged by the court at sentencing and appear on a defendant’s record of arrest and prosecution (RAP) sheet
 - Information can be used by judges, court commissioners, prosecutors, supervising agents, and law enforcement to make more informed decisions and help increase victim safety and offender accountability
- Prosecutors must prove by a preponderance of the evidence that the crime is domestically related

Domestically Related Crimes (Cont.)

- A crime is “domestically related” if it occurs against a victim who is:
 1. the current or former spouse of the defendant;
 2. a cohabitant of the defendant;
 3. a person related to the defendant by blood, marriage, or adoption;
 4. a parent, stepparent, child, or stepchild of the defendant or the victim who resides or resided with the victim or defendant for at least 90 days within the past year;
 5. a vulnerable adult;
 6. an individual who has a child in common with the defendant; or
 7. an individual who has had a sexual relationship with the defendant within 12 months before the commission of the crime.
- These relationships are the ones included in the UCR statistics

Protective Orders

- Victims must have a certain relationship with the respondent (abuser) to qualify
 - “Person eligible for relief” requirements generally correspond with relationship designations for “domestically related crimes”
 - Exception is victims in sexual relationships
- May be obtained at District Court or circuit court
- Multi-step process with different levels of proof required

Interim Protective Orders

- May be issued by District Court commissioners when courts are closed
- Commissioner must find reasonable grounds that abuse has occurred
- Orders of limited duration to provide protection until a temporary protective order hearing can be held by a judge
- An interim protective order may:
 - order the respondent to refrain from further abuse or threats of abuse
 - order the respondent to stay away from specified locations and cease contact with victim
 - order the respondent to vacate the home under certain conditions
 - award temporary custody of a minor child to a victim under certain conditions
 - award temporary possession of a pet

Temporary Protective Orders

- Generally issued after an *ex-parte* hearing
- Judge must find reasonable grounds that abuse has occurred
- Orders of limited duration (generally seven days) to provide protection until respondent can be served and given an opportunity to appear in court
- In addition to provisions available as part of interim protective orders, a temporary protective order may include a requirement for the respondent to relinquish firearms

Final Protective Orders

- Hearing generally held seven days after temporary protective order hearing
- Respondent **must** have been served before proceeding
- For an order to be granted:
 - judge must find by a preponderance of evidence that abuse has occurred or
 - a respondent may consent to the order
- Generally issued for up to one year
- May be issued for up to two years in specified circumstances
- Permanent protective orders available in limited circumstances only

Final Protective Orders (Cont.)

- Can be extended for six months for good cause and in special circumstances for up to two years
- May include numerous forms of relief
 - Safety/contact provisions:
 - Refrain from abuse or threats
 - Refrain from contacting or harassing the victim
 - Remain away from specified places, such as the victim's residence and place of employment
 - Miscellaneous provisions:
 - Award temporary use and possession of a home and vehicle
 - Establish temporary custody and visitation

Final Protective Orders (Cont.)

- Miscellaneous provisions (continued):
 - Award emergency family maintenance
 - Award temporary possession of a pet
 - Counseling or a domestic violence program
- Must require respondent to surrender firearms to law enforcement
- A subsequent circuit court order supersedes final protective order provisions
- Noncompliance with specified provisions of interim, temporary, or final protective orders is a misdemeanor
 - \$1,000 fine and/or 90 days imprisonment for first offense
 - \$2,500 fine and/or one year imprisonment for second or subsequent offense

Peace Orders

- Available to individuals who have suffered abuse but do not meet relationship requirements for a protective order
 - Includes individuals in dating relationships who are not cohabitating and do not have a child in common
- The abuse must have happened within the past 30 days
- Similar process to that of protective orders:
 - Temporary peace order
 - Final peace order
 - Interim peace orders possible if courts are closed
- Only available at District Court
- Limited types of relief and shorter duration
- Violators subject to criminal penalties

Peace and Protective Order Activity

- In fiscal 2014, the District Court granted:
 - 14,983 temporary protective orders and 6,841 final protective orders
 - 16,644 temporary peace orders and 6,501 final peace orders
- In fiscal 2014, District Court commissioners issued:
 - 11,384 interim protective orders and 7,518 interim peace orders
- In fiscal 2013, the circuit courts granted:
 - 1,919 temporary protective orders and 1,425 final protective orders

Potential Legislation

- Expanding the definition of “person eligible for relief” in the protective order statute to include individuals in dating relationships
- Establishing strangulation as a felony offense