



FOR THE SAFETY OF THE COMMUNITY

Court Watching in Prince George's County, MD

Courtwatch PG is a growing community of volunteers from Maryland and beyond, led by formerly incarcerated Black women. We observe court proceedings in Prince George's County District Court to document official policies in action and hold officials accountable for injustice in the criminal legal system.

**For documentation of
the statements in this report,
please click this box!**

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AN OPEN LETTER

Dear Friends,

What is a courtroom? It is a place where judges and prosecutors daily inflict great harm on people they see, thinking it is for good reason. The audience chairs are mostly empty. The community is not watching what happens.

Through my own trial and incarceration, I was amazed at how much of what happens in the criminal legal system is arbitrary and has nothing to do with right or wrong. I thought, nobody would believe this! We have to get people to show up to see it for themselves.

So we started [Courtwatch PG](#), to gather and train people to observe and report. This booklet lays out what we have seen and done, with documentation on the website. We are seeing a huge impact from our work. Judges even mention us in court. I feel empowered by the strength of this community, and the chance for sustainable historic change.

As you read, please take a moment to think about words and the images they carry. "Crime" says the worst harm we suffer is from the poor and desperate. "Defendant" says criminal, when what we always need to see is someone's child in terrible danger. In our work we don't say "defendant," we say "loved one," to remember people's humanity.

[Courtwatch PG](#), now almost four years old, is part of [Life After Release](#). Its younger sister, [Courtwatch DC](#) is part of [Harriet's Wildest Dreams](#).

Please visit the websites, and please join our work!

Qiana Johnson

Founder and Executive Director, Life After Release
Co-Conductor, Harriet's Wildest Dreams



WHO WE ARE

We are students, professionals, academics, retired lawyers, and others, in Prince George's County and beyond, spurred to action by what is happening to our community and our neighbors. We observe bond hearings online, keep detailed records, learn about the system, shout about what we find, and train others to do the same.

It is important that people show up. Injustice happens in empty courtrooms. **Please join us!**



Alyima Williams
Courtwatch PG Fellow



Recruiting at a Church



Accountability Committee Picnic
These are the people who write our letters to officials!

WHY WE COURT WATCH

BECAUSE WE OWE IT.

Everyone's day in court should be public—that's what the Constitution requires. But that right means nothing if nobody is watching.

BECAUSE WE OWN IT.

In a democracy, officials act in our name. It is our job to watch what we are doing to each other, and fix what needs fixing.

BECAUSE OUR SOCIETY IS HURTING.

We believe that our institutions put far too much faith in violence and force, and far too little faith in love and supportive services.

Our history of colonialism and slavery tends to divide us—into white people vs. Black and brown people, rich people vs. poor people—marked as potential enemies in each other's eyes. The result is that too few people think in terms of the good of the whole community, and the powerful do not support basic social services for the vulnerable.

Our legal institutions are very gentle with the massive and ongoing misdeeds of the strong against the weak, including wage theft, pollution, corruption, monopoly, voter suppression, and unjust incarceration. These actions shape our world.

At the same time, police, media, and politicians benefit by keeping the public excited about "crimes" of poverty, including theft by the hungry, trespass by the homeless looking for a place to sleep, disorderly conduct by the mentally ailing, the use and provision of marijuana and other drugs for coping with misery and despair, the possession of guns, often for self-protection—and, yes, worse. This is true although, for example, wage thefts are greater than retail thefts year after year.

As a result, the U.S. keeps more than two million of its people—disproportionately Black, brown, and poor—in jails and prisons. The US has 5% of the world's population, and 25% of the world's jail and prison population. As people churn through this system they get criminal records that make it hard to find work and housing, and in many states they lose the right to vote. In this way a very large section of our society is kept down. Some call this modern-day slavery.

Instead of addressing our problems with constructive solutions, our society sends police to attack and cage the people who are already struggling the most. It is important to rethink how we approach these issues so that we can build communities up rather than tear them down.



WHY WE FOCUS ON BOND REVIEW HEARINGS

We heard the judge angrily scold Ms. A's lawyer for mentioning that she was pregnant, having dilations, and due on her next court date. The judge refused to change the date, and set \$25,000 bond as incentive to show up. Life After Release paid the bond.

Bond hearings are a key point in the cycle of violence that is hurting our society. At any given moment, nearly half a million Americans are in jail pretrial and thus legally innocent—and bond hearings put them there.

Every day, bond hearings in Prince George's County cause people to be jailed for months without a trial, because they are jailed before trial. Within a few days of being arrested, a person detained at the jail is brought before a judge who decides—often in five minutes or less—whether to jail them until their next court date, which is likely to be months away. That is a “bond review hearing.”



Even if the charges are very minor, like trespass or disorderly conduct, there is a real chance you can be jailed for weeks or months, waiting for a hearing or a trial. And even a few days in jail could shatter your health, your future, and your family. You could lose your job, your home, your children, or even your life.

Over the course of years, we have observed many thousands of bond hearings, and we have found that detention decisions are often made carelessly, unfairly, and even unconstitutionally, as we explain in the pages below.

HOW WE WORK FOR CHANGE

We watch, learn, and speak truth to power. When we see an official making a mistake, doing something awful, or doing something wonderful, we write a public letter to their boss. And we speak to the public through social media. We sent our 500th accountability letter in October 2023, and we have seen these letters make an enormous difference. The percentage of cases we write to complain about dropped by more than half from 18% in early 2022 to around 8% in late 2023.

The police report said Mr. B did not give the police his name. They put him in the system as “Ben Dover,” perhaps to encourage abuse at the jail. We wrote to the town police chief, who agreed with our complaint, quickly asked us in for a long meeting, and offered to help us pursue our concerns in future with him and other local police departments.

In 2022 and 2023 we also pushed for legislation to increase transparency in courts and jails, and to make the system more humane.

And we have been helping to build a national organization, because we believe that every court should have its own court watchers. Check out courtwatch.org. We hope that as more and more of us stand up for our neighbors in need, we can help build a better and more loving society, one neighbor at a time.

WHAT IS AT STAKE?

What's the worst that could happen from an unfair five-minute bond hearing? The short answer is that you could be jailed for weeks or months without trial. It is worth taking some time to appreciate what that means.

The PD said that Mr C, with asthma, was exposed to COVID in the jail and moved to a unit where people are to be checked every half hour. He was left alone for several hours and then found suffering a severe asthma attack.

It means that you will be treated as though you are guilty, even though you



have not been found guilty. American constitutional law says that you cannot be punished before trial. So how can people be jailed before trial? The courts say it is not punishment if it is not **meant** as punishment, and they say jailing you before trial is only meant to keep you from harming others, or make sure you come back to court. But those purposes do not justify harsh treatment. Jail time is a standard form of severe punishment. It feels like punishment, it is designed to feel like punishment, and the guards don't care if you are "presumed innocent." The jail is run by a department that calls itself Corrections, as though the people it holds have been found to be wrongdoers. Most have not.

The 17-year old mother had no priors and was not accused of any violence, threat, or weapon possession, but she was held without bond in the jail, to be kept in isolation (solitary confinement) until trial because she is a minor and female.

If you're homeless and jailed for even a day, you may lose your place in a shelter and all your belongings. If you have a home and a job and you're jailed for a few days, you may lose your job, you may even lose your home. And if you lose your job and/or your home, that impacts not only you, but your children, an ailing parent, or others who depend on you. So even if you are innocent, after a while in jail you may be so desperate to get out that you sign a plea deal in exchange for your release, and then wind up with a criminal record that cripples you for life.

Jail is often physically dangerous and humiliating.

When you are first brought to the Prince George's County jail, you may be handcuffed in a hard chair in the crowded processing area, waiting for as long as a day or more. There are old water fountains and a pile of stale bologna sandwiches, and you'll have no other access to food, water, or medical care until you are "processed." You'll be strip-searched, forced to "squat and cough," and change into a jail uniform. You'll lose access to all of your belongings, even prescription medications or an inhaler you came in with. If you are struggling with addiction, you may be in danger of withdrawal without access to medical help or professional direction.

In his first weeks jailed before trial, the 15-year-old was exposed to COVID, after which he was isolated in quarantine for 28 days, no contact with family, no chance for transfer to a juvenile facility.

Many people in the jail have medical or mental health needs, some quite serious, and in court we often hear of people denied access to necessary care and medications. At bond review your lawyer might ask the judge to order medical attention by the jail, which might bring medical attention after a few days. The judge can do that, or the judge might get angry and scold the lawyer for bringing it up. We've seen both, often.

In the Prince George's County jail, you will be allowed little communication with the outside world, even if you are a child. You will have no access to your phone or any



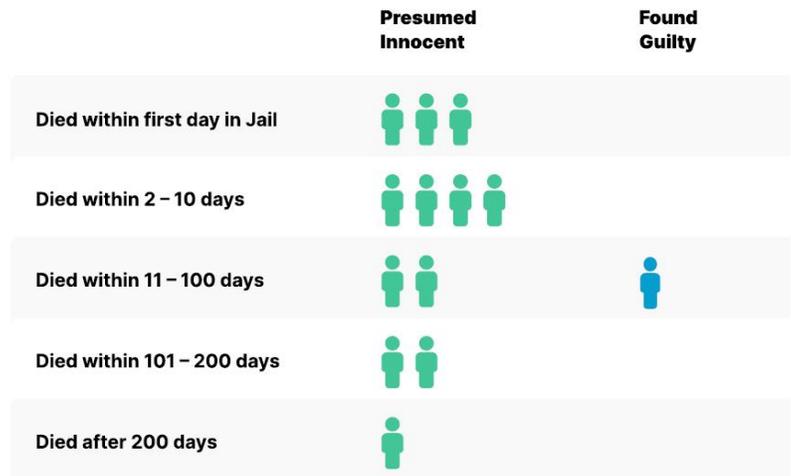
other possessions you came in with. You may have access to a jail phone when you're let out of your cell for a few hours—assuming the jail isn't on "lockdown." But calls are monitored and recorded, and cost money. And that is if you know what number to dial—many people, especially younger generations, do not have important phone numbers memorized. Unless you had an opportunity to write down important numbers before you were processed into the jail, you might not know any numbers to dial.

People recently released from the jail have reported that the jail provides inadequate amounts of food, often undercooked or moldy, with dirty utensils and sometimes maggots on the trays. There are no fresh fruits or vegetables.

We cannot know how deadly the jail is, because jails have a trick. If you die in custody, they are supposed to report it. But if you are dying, the jail can move you to a hospital and "release" you just before you die, so they don't have to report your death at all. Jails do that. Nobody knows how much.

Of the 13 people reported as dying in the Prince George's County jail in 2008-2019, 12 were "presumed innocent." Three died on their first day in jail, and most died in their first ten days.

Only 6 of these 13 reportedly died of natural causes. This means illness and does not distinguish whether the illness or its severity was due to poor food, dangerous conditions, lack of medical care, mental health problems ignored, or other causes. Unlike all the surrounding states, Maryland does not require that deaths in jails be investigated by the Medical Examiner. On average in this period, people the Maryland jails reported as dying of "natural causes" died 28 years younger than life expectancy. That was before COVID.



How did they die, according to the jail?



Six weeks into the 2020 COVID emergency, Civil Rights Corps brought a federal class action lawsuit against the Prince George's County jail for horrific conditions, with affidavits from 27 loved ones in that jail who described fees to see a doctor, long waits for medical visits, and little access to soap, basic hygiene products, or changes of clothes. People who tested positive for the virus were locked away in so-called "medical isolation" cells that had other people's feces, mucus and blood on the walls and in the sheets. See [GaspigForJustice.org](https://www.gaspingforjustice.org).

The federal judge overseeing that case wrote,

[The jail director] knew that she had a substantial COVID-19 outbreak in the Facility, and yet had only tested twenty detainees. [18 tested positive.] The remaining population, many of whom were highly symptomatic, were kept in close quarters with other detainees and staff. ... Monitoring protocols ... were transparently ineffective. With sick calls ignored, temperature checks inaccurate, and nurses telling symptomatic detainees "if you can walk, then you are ok," [the director] exhibited a reckless disregard for provision of basic care. Finally, the high-risk or "medically vulnerable" detainees were left as sitting ducks for COVID-19, with no real plan for their safety.

By the time of the COVID "surge" at the end of 2020, the jail population had risen to about twice what the county had earlier deemed safe. In December 2021, the requirements in the lawsuit settlement expired. That month alone, 122 jailed people and 87 staffers tested positive for COVID. Medical care is still minimal, and the jail still charges for medical appointments.

From 2020 to June 2023, uniformed jail staffing fell from 446 people to 310, with 176 unfilled openings. According to NBC affiliate News4 in June and July, 2023:

The officers said the shortage has led to them routinely being required to work 16-hour days, multiple days a week – a problem they said has led to exhaustion and increases the risk of an officer falling asleep on the job.

"Safety in the jail has been compromised, and not just for the staff alone. Even among the inmates, they don't feel safe like they used to be," said Olajide Oshiyoye, one of five current officers to speak with the News4 I-Team for this story. "It's a runaway machine, and we don't have the wheel anymore," added John Dewitt, a former officer.

In 2020, the Prince George's County jail went into lockdown four times, mostly due to technical issues that could impact safety. In 2021, that number jumped to 23 due to issues like cameras being down, and staffing also started becoming an issue. In 2022, there were 83 lockdowns due to inadequate staffing. There was also a rise of violent incidents inside the jail. There were multiple stabbings, and one person was killed. So far this year, the jail is on track to double last year's lockdowns. ... At the beginning of this year, no visitors were allowed in for 16 days.



Even more than bodies, **minds and hearts are permanently damaged** by jail. Almost half the people in U.S. jails have been diagnosed with a mental disorder. Mental illness can be caused or worsened by traumatic events, humiliation, having no access to family, feeling useless and in despair, being helpless and in constant fear. That is the design of jail, and especially solitary confinement, which is a convenient way for jails to control the mentally ill, especially when staffing is low. Solitary confinement is cruel, if not unusual, and extremely damaging both psychologically and physically.

Children's developing brains are especially vulnerable to harm. Several times a week we see bond hearings for **children** under 18 in this jail, almost all jailed until trial. Judges often order them transferred to a juvenile facility; but often there is no space, or only in a facility hours away from parents or others who want to visit. Legally, minors in jail must never see or hear adult inmates. Keeping children in solitary can accomplish that. But the jail disregards that law, at least in the medical unit.

The jail offers no education, training, or counseling programs to prepare you to get your life back on its feet after its legs have been broken.

At any given **moment**, one out of every thousand people in Prince George's County is in this unimaginable hell, most of them presumed innocent; and many more have been there and suffered the devastation. One way to help them is to support Life After Release and get involved in its mutual aid projects among the formerly incarcerated.



ORIGINS: ONE NEIGHBOR AT A TIME

The seed of Courtwatch PG was planted before the COVID lockdown. Dr. Carmen Johnson, a prominent social and civic advocate, was then suffering chronic PTSD and extreme anxiety after more than three trauma-filled years in court and prison, about which she has written a book called *The Pretense of Justice* (2022). Qiana Johnson (no relation), Executive Director of Life After Release, had done court watching with Progressive Maryland, and asked Carmen to join Life After Release and become a court watcher for bond hearings. Carmen at first refused for months, suffering through anxiety and PTSD from her experience with the criminal justice system. She knew that the courtroom would be very triggering.

Finally, Carmen accepted and joined Life After Release and Color of Change on February 4, 2020 as a court watcher. Carmen went to courtroom 261B each morning and prepared many dozens of cases a day, sometimes over 80. She sat through a full afternoon of hearings taking rapid notes. The loved ones appeared on a video screen from a noisy room in the jail. In some cases their family or friends were in the courtroom to testify or just show support. At night Carmen would enter details of each case in a database and send out social media posts. Sometimes volunteers or law students would join her, to help and learn.



Six weeks into Carmen's efforts, COVID closed all the courtrooms. Bond hearings later restarted as Zoom hearings. A few weeks after closure, she was able to attend these Zoom hearings and continue her court watching online. In the fall, national publicity about the horrific conditions in the Prince George's County jail began to bring more volunteers, far and near, from college students to professionals of all kinds.

Carmen made use of these new volunteers by setting up a series of committees: a letter writing committee to bring specific courtroom wrongs to the attention of higher officials and the public, and committees for orientation and training, data analysis, and other publicity. We began to coordinate with other courtwatch groups across the nation.

Triple Grammy-winner Fiona Apple heard about us while working to publicize the medical situation in the jail. She became one of our hardest-working court watchers, and brought many others along to help, standing up for our loved ones in the state of Maryland.

Meanwhile judges and court officials all over the country were reporting that remote-access court hearings are in some ways better and fairer than hearings in person. For example, when bond hearings were in person, people who might have been character witnesses for loved ones were often unable to attend the five-minute hearings, because they could not get the day off work, find childcare, or manage the travel to Upper Marlboro, Maryland. With remote access, even someone in a sickbed can easily be seen and heard. Basic fairness.



After giving a press conference in Annapolis



Court watchers and legislators in the Maryland House of Delegates

FIGHTING FOR LAWS TO PROTECT BASIC RIGHTS

We have a constitutional right that our day in court be **public**: to keep the courts honest. But we no longer live in a world where most people can walk to the town courthouse. Today the only real public access to court hearings is online, where we can share a kind of neighborhood watch. Without online access, our courts are unsupervised and unaccountable.

Carmen worried that when COVID receded, we might lose online access. So we drafted bills for the Maryland House and Senate to secure permanent online access to all Maryland courts. Courtwatch PG worked hard for these bills, in the 2022 and 2023 sessions, and many of our members testified before the judiciary committees. We are especially grateful for the sponsorship of our bills by Senator Joanne Benson, Senator James Rosapepe, Delegate David Moon, and Delegate Nicole Smith.

But we have not yet succeeded. Few people in Maryland get real public trials. Online access to any sort of hearing is rare again. And our essential work could be blocked at any moment.

YOUR BOND HEARING: WHAT COULD GO WRONG?

A bond hearing is a window into a much larger process. By listening to bond hearings we learn what can go wrong in those five minutes with a judge, but we also learn about what can go wrong before and after. Here is some of what we have learned.

YOU COULD BE A VICTIM OF ABUSIVE POLICING.

The police may think they see you committing a crime, or suspect you for whatever reason and search you and any car you are in, and arrest you for what they find, writing a report. Or they may investigate a complaint and arrest you, writing a report. Each report is sworn testimony by a police officer that will be relied on in a bond hearing. In the online case record, the box that is supposed to show the officer's ID number is almost always left blank.

There is substantial evidence that American **police lie often**, as a normal part of the job. Even on TV, the "good guy" cops lie to extract confessions or to cover up their illegal searches or violence. But the police may also lie to the court about what you did. In 2021, the Prince George's County State Attorney's Office had to make public their list of 57 current or recent police officers they regarded as so untrustworthy that even prosecutors should not rely on their sworn testimony. "Certainly they don't have a place on the witness stand," said the chief prosecutor. Her office promised to keep the public informed about changes to the list, but has not updated it since its release.

The lawyer said the police ran over Mr. D and broke his leg. The prosecutor said he broke it by jumping out of his car. The police report said he ran after jumping. The PD said the surgeon put the bone parts together with metal and prescribed medicine and physical therapy, but the jail gave him only Tylenol.

Police racism and abuse of power are problems in Prince George's County, as in so many places. A policy of targeting certain neighborhoods, stopping certain cars for minor traffic violations, searching the cars for guns or drugs on the thinnest pretexts, and charging everyone in a car with possessing whatever is in the car, exaggerates the appearance that these neighborhoods are "high-crime areas," an idea used to justify even more aggressive policing.



Supposedly to monitor against discrimination, the police log the “race” of anyone arrested. But there is no category like Latinx or Hispanic. There is a category “White or Asian Indian or Arab,” abbreviated “White,” but we have kept count based on names and the need for a Spanish interpreter, and found that nearly four-fifths of these individuals are Latinx. Thus while official reports might suggest that 15.1% of people arrested in 2022 were non-Latinx White, the true number is about 3.3%.

In 2018, thirteen Black and Latinx police officers filed a federal lawsuit against the PGPD for systematic racism. When a 265-page expert report detailing rampant racism and retaliation in the department was filed with the court in 2020, Chief Stawinski resigned. The report describes a pervasive pattern of misconduct against minority officers and the community, including the **neglect of requirements for reporting and investigating uses of force**. The county spent \$17 million of taxpayer money fighting the suit, and then settled in 2021, paying another \$2.3 million to the complaining officers.

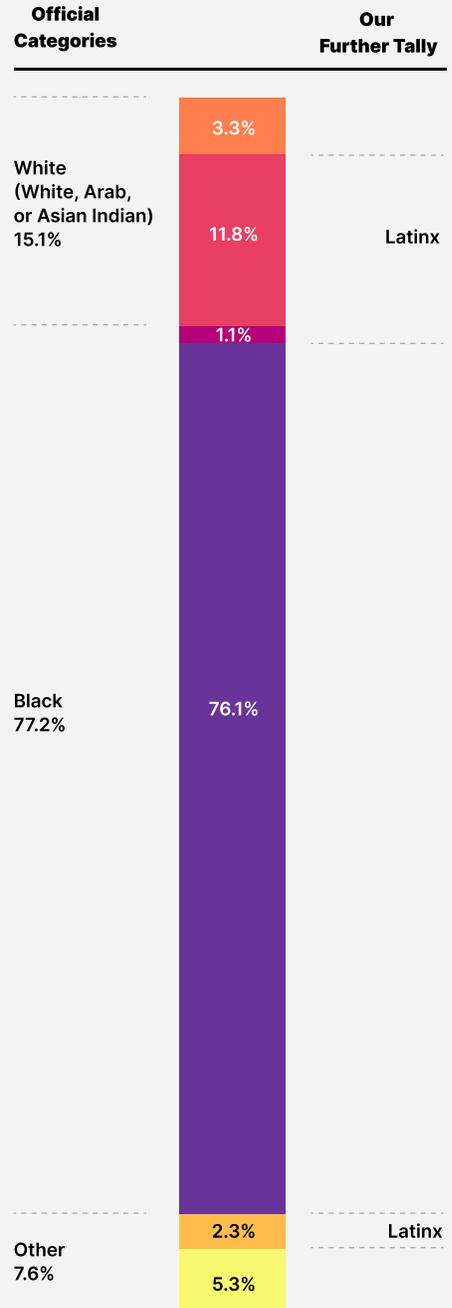


Camila Linneman, Chair of the Data Committee

Shortly before entering the job in 2021, PGPD Chief Aziz said, “I want the citizens and the officers of Prince George’s County to understand what type of police chief I will be, and that is one of communication and high visibility.” We wrote letters asking him to look into **apparently illegal stops and searches** we had heard about, usually citing information from officers’ reports we heard discussed in bond hearings where all parties had the reports in front of them. Chief Aziz replied once, in July 2021, to a letter where we asked him to look into four such cases. He said he would not, because our letter did not directly cite police reports. We replied, citing police reports, and have since written to him about many other cases, citing police reports, without response.

In October 2023, we learned that our letters are being forwarded to the new Inspector General and Director of the Office of Integrity Compliance and Police Accountability, Anthony Bennett. He kindly met with us in December 2023. After a fruitful discussion, he promised to look into our complaints, asked us to send all future letters also to him, and will arrange for us to meet with Chief Aziz early in 2024. We look forward to better communication and cooperation in future.

Distortion of Ethnic Data, Calendar Year 2022



*“Other” includes “American Indian/Alaska Native”; “Asian/Native Hawaiian/Other Pacific Islander”; “Unknown/Other”; and responses left blank

YOU CAN BE ARRESTED ON YOUR ENEMY'S WORD ALONE.

Anyone you know can swear out a civilian complaint, accusing you of something and reporting details. Civilian complaints often result in a warrant for the accused person's arrest, although the complainant's story is rarely if ever investigated beforehand. Civilian complaints are meant to be a tool for victims; but often we see people use them as weapons in personal feuds, love triangles, and child custody battles. In 2022 and 2023, we found that a consistent 7% of loved ones held for bond review had been arrested on civilian complaints.

IT WON'T MATTER IF THE ACCUSATIONS ARE FALSE.

Although you are legally presumed innocent, and the Rules require the judge to consider the evidence, judges almost always just assume that the police or civilian allegations against you are true for purposes of bond hearings.

THE COMMISSIONER MAY JAIL YOU AGAINST THE RULES.

Soon after you are arrested, you see a commissioner. To be a commissioner one must have a college degree (topic not specified) and know how to type. But commissioners are not required to be lawyers, paralegals, or other legally trained professionals.

The commissioner is the first person to decide whether to release you before trial, set bail, or hold you in jail. If the commissioner doesn't release you, you are scheduled for a bond review hearing with a judge the next business day.

Here's what bond is. \$1,000 bond means if you don't come to your next court date, you owe \$1,000. **Cash bail** or **money bond** means you have to pay the money up front to get out, either the whole amount or 10% depending on the judge's ruling. **Unsecured bond** means you don't have to pay anything to get out, but you will still owe the money if you don't come back.

If the commissioner sets a money bond, the Maryland Rules say they must not require money up front that you cannot afford to pay. But often they do just that. On Mondays, we often see people in bond hearings who have been jailed since Thursday or Friday because they didn't have \$1500 or \$25 to get out. These people have spent days in jail because of a commissioner's improper action.

On October 18, 2022, the online public records database stopped identifying the commissioner for each case.

YOU MIGHT NOT GET TO TALK WITH A LAWYER.

If you cannot afford a private attorney, you can apply with the commissioner for a public defender. When you get a public defender, you will be part of their brand new big caseload for the day. The public defender will have just a few minutes before the hearing to speak with you and may (or may not) have time to make some phone calls to get information the judge will probably expect or demand.

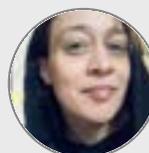
Mr. E did not qualify for a public defender, but had not yet hired a lawyer. The judge did not ask him if he wanted to represent himself or hire a lawyer, and did not allow him to represent himself. The judge held a hearing with just the prosecutor, and jailed Mr. E for five weeks until his trial.

But you may not get to speak with a lawyer at all. Here are some reasons we have often encountered:

- You may not have applied for a public defender because you did not understand what was happening to you, did not understand the application, or feared giving optional personal information in writing to an official you did not trust.
- In speaking with the commissioner, you may have declined a public defender for the hearing because you heard that your family would hire a lawyer; but they have not managed to get someone to represent you in time.
- Under COVID, lawyers could not enter the jail. Your lawyer could speak with you only if you got a guard to call for you. But in the morning rush your lawyer might be busy with another new client and miss your call.
- You may not speak English well, and a translator is usually not available for public defender visits.
- If you are in the medical unit, the jail will not lend you a phone, nor let your lawyer in.
- If you are contagious, the jail may not let you out of your cell, and will not lend you a phone. Lawyers have said in court that they could talk with some clients only by shouting through a locked cell door. Not confidential.
- The court might fail to include you on the list of cases provided to the Office of the Public Defender at the start of the day.



Court watching is so important to me because I know first hand that being arrested is a deeply lonely and scary experience. Being taken into custody just feels like being abducted. The psychological games of control begin immediately. If I hadn't had the money for bail, and for access to a lawyer who had time to devote to my case, my life would've been completely derailed and my family would be traumatized the way so many families are who do not have these same privileges. I KNOW HOW LUCKY I AM, and this is why I court watch.



Fiona Apple

COURT WATCHER

YOU MIGHT NOT BE BROUGHT TO YOUR HEARING.

You have a right to be present at your hearing, but you will not get near the courtroom. Rather, guards will bring you to a poorly ventilated mock courtroom in the jail, where you will sit with others crowded onto benches out of view, awaiting your turn to stand in front of the camera transmitting to the courthouse. You will watch the hearing on a screen, and the courtroom will see you on a screen. You may be handcuffed; you may be wearing a surgical mask.

If your area of the jail is on lockdown, they may not bring you to the hearing room, so you'll spend another night in jail with no answers—three nights if it's Friday, more if it's a holiday weekend. If you are sick, the jail will not bring a laptop to you in the medical unit. You could be sick for a while in a jail-quality clinic.

At the hearing, you can speak to the court if they permit it and unmute you. Your lawyer will be in the courtroom, not at your side. So you cannot whisper with your lawyer or pass notes. Maybe you can hear what your lawyer says in the courtroom, but you cannot talk to your lawyer or ask questions without the judge listening.

The jail did not bring Mr. F for his hearing because they couldn't find him in their records, because they misspelled his name. Another night in jail.

The courtroom has microphones so that you can hear your hearing from the jail, and because Maryland courts are required by law to keep an audio recording of every word said in session. This record is streamed online, so court watchers know its quality. Defense witnesses usually cannot be heard, the defense attorney's have no microphone, people start speaking before they get to their station, and shuffling papers often blocking out all voices.

If the court cared whether you can hear, or whether court records are adequate, it would listen to the audio now and then, and fix it. Perhaps the only officials listening today are the guards in the jail dock. Sometimes we hear the judge shouting instructions to those guards, such as "Unmute him!", often repeatedly. When the guards still do not hear, the judge asks the clerk to phone the jail—to tell them to unmute, not to fix the audio.

The judge is always the loudest and clearest voice. On rare occasions we hear a judge ask a loved one in a raised voice if they understood something the judge said. Sometimes the reply is "I couldn't hear." But don't expect the judge to ask how well you can hear anyone else. And don't expect to be able to say you can't hear. You are probably muted, you are probably in fear, and you probably do not want to bother your guards to bother the judge.



*"In 2020 in the long shadow of the death of George Floyd, I was looking for a way to make a deeper personal commitment to social justice. I read *The New Jim Crow* and other sources on mass incarceration, but the deep problems with our court system seemed too big for me to address. Then, thanks to my Quaker Meeting and the *Washington Post*, I found Courtwatch PG. This was something I could do on a human scale. And I found it made a difference."*



Jade Eaton

COURT WATCHER

THE HEARING MAY BE MISTRANSLATED FOR YOU.

The court offers interpreters, but the interpreters make big mistakes. One day we heard two lawyers interrupt an interpreter three times to correct his mistranslations. Another day one of our Spanish-speaking court watchers heard an interpreter tell someone their lawyer is “the prosecutor.” Another day, when a loved one reported a new address, the interpreter gave the wrong house number to the court. Such a mistake could make the loved one miss court dates, a blot on their record that could cause them to be held in jail for months.

Mr. G needed an interpreter. The court had a phone interpreter ready, but no equipment to help him hear or be heard. The interpreter and others were asked to shout. He was unfamiliar with legal jargon, but the judge did not adjust her phrasing.

Early in 2022, the court tried a new approach. Only the loved one could hear the interpreter. Judges couldn't hear, lawyers couldn't hear, court watchers couldn't hear, and court records couldn't hear. Mistakes must have been more common, because (1) English-speakers did not pause for the translation, so the interpreter was always saying one thing in one language while listening to something else in another, (2) it was harder for the interpreter to ask a question when they needed, and (3) mistakes could not be noticed and corrected. Courtwatch PG sent a letter explaining the problems, and the court stopped this practice.



Jen Ruffner, head of Accountability Committee



TO AVOID A SMALL DELAY, THE JUDGE MAY IMPOSE A BIG DELAY.

If you have had no chance to speak with your lawyer, or mistakenly refused one, a public defender in the courtroom may ask the judge to shift the hearing to the next day, so that you can speak with a lawyer beforehand and have the best fair shot at release before trial. Some judges will refuse to shift the hearing. (For a few weeks in May and June of 2022, most refused.) Refusal means you have a “hearing” today with nobody prepared to speak for your side. You may have a public defender who has never spoken with you, or the judge may declare you are “representing yourself.” But **even if the judge says you are representing yourself, the judge might not allow you to speak**, and will probably run the hearing in a way that you cannot understand. And as a result, you do not get a fair hearing with competent counsel.

Mr. H cares for his paralyzed mother and grade-school sister. He had no chance to talk to a lawyer. The judge moved the hearing not one day later but three, to even out the week’s workload by five minutes, though Mr. H did not have enough colostomy bags to last that long.

To get another shot at a bond hearing, you will need to get a lawyer somehow, then arrange to speak with them, and have them file a motion for “another” hearing. After that, you could wait several more days for a hearing. This last part of the wait has sometimes taken weeks, but this year it has been brought down to about 3 business days. **So even now, you could easily be in jail for a week before your first legitimate bond review hearing.**

Why do some judges refuse to shift the hearing? Their comments make us think **those judges misunderstand Rule 4-216.2**. That rule says that once you are presented to the court, the court will review your bond right away **if** you have a lawyer **or if** you have freely agreed not to use a lawyer after the judge tells you that you have a right to a lawyer and really should have one. (The rule says the judge must say these things, but judges who refuse to shift the hearing often don’t say them.) The rule does not tell the court what to do when you want a lawyer but you don’t have one, or haven’t spoken to one. The rule does not forbid shifting such hearings to the next day. Clearly the spirit of the rule is that everyone should have a proper hearing as soon as possible, which is why conscientious judges move the hearing to the next day.

WEEKS IN JAIL WITH NO HEARING, AS A COURTESY BETWEEN JUDGES.

If you are arrested for missing court or allegedly violating probation or the terms of your release, often the warrant will include a note that



your bond hearing should be with a particular judge. When you are brought for your required prompt bond hearing, however, you are most likely to have a different judge. Most often, this other judge will not give you a serious hearing at all. Rather, they will reschedule your hearing to a day the first judge is available, as a courtesy between judges, **jailing you for days or weeks in the meantime.**

THE JUDGE MAY GIVE YOU THE WRONG NEXT COURT DATE.

Missing a court date can have serious consequences. If you miss court, the judge will likely issue a warrant for your arrest, you may be held in jail without bond, and the “failure to appear” goes on your record and makes you more likely to be denied bond on every later occasion. The Rules require the judge to tell you your next court date during the bond review hearing, so you know when to come back to court.

Sometimes judges give wrong dates. Everyone makes mistakes. But unfortunately in these circumstances, it is the person who relied on the judge's word who is punished for the judge's mistake.

One afternoon, for example, a judge gave four people wrong dates that were later than their actual court dates. We made sure the lawyers noticed.

The lawyer said Mr. I was re-learning to walk after a hip replacement, was scheduled for knee replacement soon, and was not getting his prescriptions in jail. The lawyer asked for home detention with permission for physical therapy and knee surgery. The judge held him without bond.

THE JUDGE MAY HAVE LOST TRACK OF BOND REVIEW BASICS.

Long ago the main question for bond hearings was how much money the person would have to put up to get out. Unaffordable bail was the usual way to keep people in jail. Because of reforms, that is no longer the main question in Maryland bond hearings. Usually, an amount is not even discussed.

The bond hearing is supposed to focus on three questions.

- What will it take to be sure you will come to your trial?
 - What will it take for others to be safe from you before your trial?
 - How can the judge accomplish this with the least burden to you?
-

A recent injury had paralyzed Mr. J from the waist down, and he urgently needed special rehabilitation. The judge held him without bond.

The judge has a wide range of tools by which to release you and still expect you will come back to court and not hurt others. The judge can release you **on condition that** you do this and don't do that. There are two kinds of conditions:

Financial conditions of release (bond):

- You'll owe money if you don't come to your next court date.

Non-financial conditions of release, for example:

- Have no contact with a certain person or people until trial.
- Do not possess any guns or drugs.
- Stay away from certain locations.
- Check in regularly with a county agent.
- Stay home with an ankle monitor.

Maryland Rule 4-216.1 requires the judge to release you immediately, without any money up front, unless the judge is sure—and **says why** they are sure—that no combination of conditions will assure your return to court and the safety of others. If the judge does not release you, they must **say why** they are sure no conditions will do the job.

The court's own website says the Maryland Rules "have the force of law and are mandatory," but we often hear judges breaking this rule. Instead of saying why they are sure you would be a danger to the community, many just **allege** that they have good reason, by chanting the same chant every time, such as: "I have read the statement of charges and the pretrial sheet and heard the arguments of competent counsel, and pursuant to Wheeler and Salerno, I find by clear and convincing evidence that no conditions of release would reasonably ensure the safety of the community."

Mr. K was added to the docket at the last minute. The hearing was fast, and as he was being led away he asked the judge, "What are the charges?" The judge replied, "You'll find that out at your trial."

But in giving that chant and then in the same breath promising to release the person to private home detention, or authorizing a county agency to release the person under supervision, as judges often do, judges seem to show that they do not understand what it is that the Rules and the Constitution call on them to decide about danger. The question the judges must decide is not, "Could it be safe to release this person under conditions **other** than supervision?" Rather the question is, "Could it be safe to release this person under various conditions **including** supervision?" The Rules are clear about this. If the judge in the hearing thinks the answer might be yes, then the judge is required to release the person.

Sometimes the judge (or prosecutor) shows that they have lost track of what they are permitted to regard as "dangerous" for purposes of the high standard that permits jailing someone without trial. Evidence that someone might continue shoplifting is not evidence that they are dangerous. But we have seen people held without bond for that reason.

As recently as 2022 and 2023, we have heard a judge often say that the topic of bond hearings is "the amount of bond," and tell witnesses to stick to the topic of amounts.

That false account of the topic of the hearing could discourage your witness from talking about what the Rules say is relevant, such as your character and reputation, family and community ties, school, work, volunteer activities, etc.

The public defender asked if the prosecutor had screened the witness “by your own rules.” No reply. The judge repeated the question. No reply.

THE JUDGE MAY NOT LET YOUR LAWYER ARGUE.

You may have a public defender because you cannot afford a private attorney. Some judges hardly let public defenders present a coherent argument, but instead constantly interrupt them with odd questions, sometimes just bypassing the loved one’s representation and interrogating the loved one directly, in violation of the loved one’s constitutional rights to remain silent and be represented by an attorney. Other judges conscientiously hesitate to invite loved ones to speak.

THE COURT RARELY MAKES THE PROSECUTOR ESTABLISH ANYTHING.

Usually when the judge denies bail, it’s because they think you could be dangerous if released. Which side has the burden of proof on that question? The U.S. Supreme Court in *U.S. v. Salerno (1987)*, quoted by the Maryland Supreme Court in *Wheeler v. State (2005)*, says the prosecution has the burden of proof:

The Government [that is, the prosecution] must first of all demonstrate probable cause to believe that the charged crime has been committed by the arrestee, but that is not enough. In a full-blown adversary hearing, the Government must convince a neutral decision maker by clear and convincing evidence that no conditions of release can reasonably assure the safety of the community or any person.

In court proceedings, the side with the burden of proof is supposed to argue first, and the other side has a chance to criticize the argument. Because the prosecution has the burden of proof, you would expect the prosecution to go first—presenting evidence and argument—and then the defense would have an opportunity to respond. But in Prince George’s County bond hearings, the defense is almost always told to argue first. And not only does this flip the burden as a practical matter. In Prince George’s County, the prosecution is often not asked to argue at all. Indeed, you can be jailed for months without the prosecutor having to say a word.



For me, Courtwatch PG is a wonderful community of friends: academics, retired lawyers, students, and other professionals. We help each other learn about the legal system, try to figure out what we can do to make things better, and encourage each other to do our best. The more we learn, the more we can do. I expect this will be my main project for my retirement.



Bill Haines
COURT WATCHER

THE JAIL HIDES INFORMATION YOU MAY NEED.

When the judge considers releasing you before trial, they will want to know where you would live. Otherwise the judge is likely to hold you without bond.

Especially if you are unhoused, or if the alleged victim lives in your home, the judge may not release you unless you have a verified new address ready. For this you will likely need the phone numbers of the people you know so that your lawyer can call them and verify where you can stay. But those numbers are likely to be in your cell phone, not in your head, and the jail will not let you near your phone.

Even if you are released before trial, the state may hold on to your cell phone, your wallet, and its contents as "evidence."

This can have real consequences. For example, you may be released from jail late at night, without your money, metro card, or identification. And even if the jail gives you back your cell phone, the battery may be dead.

Ms. L, arrested for intoxication when seeking a ride after a date that went wrong , repeatedly requested a rape exam, but was denied by the jail during the five days that it held her.



THE JUDGE MAY GIVE YOU IMPOSSIBLE BAIL, AGAINST THE RULES.

The only proper purpose of bail is to release you with an incentive to come back to court. Setting cash bail you cannot pay does not serve this purpose—it only serves to detain you. But prosecutors knowingly ask for unaffordable bail, and judges often impose it.

For many people, high cash bail can be a disaster. Every week we see people who have spent one or more nights in jail with no trial, on minor charges such as trespassing, because they couldn't afford to pay \$1500 or \$100 or even \$25 to get out. Jailing someone even for a few days can make them lose their job, which can cause the whole family to lose their home and cause many other hardships.

Bail reform movements all over the country have attacked the unfairness of unaffordable bail. In 2017, bail reform passed in Maryland, forbidding setting bail that the loved one cannot afford to pay. If the result of the bail is that the person stays in jail, then the judge's ruling violated Rule 4-216.1. But most judges make little effort to determine what is affordable.



(1) *Generally.*

(A) A judicial officer may not impose a special condition of release with financial terms in form or amount that results in the pretrial detention of the defendant solely because the defendant is financially incapable of meeting that condition.

(b) **General Principles.**

(1) *Construction.*

(A) This Rule is designed to promote the release of defendants on their own recognizance or, when necessary, unsecured bond. Additional conditions should be imposed on release only if the need to ensure appearance at court proceedings, to protect the community, victims, witnesses, or any other person and to maintain the integrity of the judicial process is demonstrated by the circumstances of the individual case. Preference should be given to additional conditions without financial terms.



The county's chief prosecutor, Aisha Braveboy, announced in September 2019, "I do not believe in the cash bail system. Starting October 1st, my office will no longer request cash bail as a condition of release." We have increasingly heard her prosecutors request cash bail, and even argue for high bail because the person will be unable to pay it. For example, one said, "I don't think society benefits by having him on the street." According to Rule 4-216.1, bail is "appropriate only to ensure the appearance of the defendant, ... not ... to prevent future criminal conduct during the pretrial period."

Judges often break the Rule against unaffordable bail. In 2022, in a representative sample of 107 cases where a judge set a fully or partly secured bond as the only option for release, in 29% of the cases the loved one never paid the security to get out.

At least 15% of the rest, and perhaps many more, used a bail bondsman. Bail bondsmen deal only with very high bonds, usually charge 10% of the bond, and never give that money back. Most of the world forbids this practice, but we have seen judges in Prince George's County deem a bond "affordable" even if the loved one can only pay through a bondsman.

THE JAIL WILL NOT LET YOU USE YOUR MONEY FOR BAIL.

Probably you had your wallet when you were arrested, with cash and maybe debit or credit cards. By the time you get to the judge, the jail has taken your belongings and will not give you access to your things.



Mr. M said he could not pay the \$1,500 bond. The judge asked him what he could afford. "I have no money. I'm sorry. I have two kids. No job. Please." The prosecutor said, "I'm smacking my head; you have two kids but no job, no money?!"

So let's say you have \$200 cash and a credit card in your wallet. The judge sets \$100 bail. You will not be able to use what is in your wallet to pay the \$100. Nor will you have access to the saved numbers in your phone. You can phone someone, if you have memorized their number, and ask the jail to release your property to them so they can pay your bail.

YOU MAY BE JAILED FOR MENTAL HEALTH PROBLEMS.

If you have a slight or serious mental disorder, you might find yourself arrested for trespassing or "disorderly conduct." Even these minor misdemeanor charges can get you in terrible trouble. For one thing, we have observed that people who seem as though they might have a mental disorder often have not asked for a lawyer, perhaps because they are confused or afraid or having an episode. Of course they need a lawyer.

Mr. N, homeless, was charged only with trespass at a McDonald's. He got an unsecured bond, but after the judge's ruling the prosecutor made a speech about how people with mental disorders should be held without bond.

For another thing, signs of mental health difficulties seem to make most judges forget that the Maryland Rules prohibit detaining people without finding specifically that they are dangerous or unlikely to come back to court. We often see judges taking apparent mental disorders as an automatic license to hold someone in jail without bond, even though jail can be very damaging to mental health, and even if the person has found treatment outside. Here is how that happens.

If the judge thinks you may have a mental disorder, they may refer you to something called "Mental Health Court" (MHC), which is court-ordered treatment for what are deemed to be your mental disorders, regularly supervised by a judge. MHC is a "diversion" court, meaning that the intended focus is improving mental health, rather than guilt or innocence. It is available to people charged only with misdemeanors. There is disagreement about whether this program is good for the people who go through it.

We have observed that when a judge refers someone to MHC, the judge usually jails the person without bond until the MHC hearing date, which can be more than two weeks after the bond hearing.

When your MHC date arrives, you can opt out of participating in the diversion court. But we have heard in bond hearings that a referral to MHC usually cancels your previously scheduled trial date. Thus if a judge refers you to MHC and you opt out, a later trial date is set. And if you are detained without bond before MHC, you likely will continue to be jailed until that later trial date, much longer than if you never had the MHC referral.

This situation reflects a nationwide crisis in how we approach mental health, as there are far too few medical professionals in the country, and too much reliance is placed on force and confinement.

THE JUDGE MAY DUMP YOU IN A SECRET DELAY FACTORY

This practice, involving the Office of Pretrial Services, may be unique to Prince George's County. It is the subject of an ongoing federal lawsuit brought against the County by a branch of the Georgetown University School of Law, the Civil Rights Corps, and the WilmerHale law firm. Some of what we know about the practice comes from County court filings that you can read on our website.

The U.S. Supreme Court in U.S. v. Salerno (1987) and the Maryland Supreme Court in Wheeler v. State (2005) weighed the public interest in safety against the individual's constitutional right not to be jailed without trial.



I have learned a great deal about the legal system by court watching! More importantly, I understand better now what this system is like for families and loved ones. I am shocked at the insensitivity and rudeness of many judges. But recently I see judges trying harder to keep the court professional and ethical. I am sure it is due in large part to our efforts. We need to keep it up.



Elizabeth Wheaton, M.D.

COURT WATCHER

We see this right as expressing in part every community member's interest in living secure from the **danger** of being jailed without trial, which in Prince George's County involves not only caging by threat of violence, but also a high risk of long-term physical and psychological **harm** to the caged and their families. People who are well-off or white may not grasp what it is like for a community to live under that threat, or what it means to grow up in a world that endorses it.

Because of the importance of that right, the Supreme Courts set a very high standard for when a judge is permitted to cause that harm and when a judge is not permitted to do so. A judge is not permitted to jail you just because the evidence **suggests** you will be dangerous to others if you are released before trial.

As quoted earlier, the courts ruled that the only way it is **permissible** to keep you in jail you before trial on grounds of danger is if the following happens:

In a fullblown adversary hearing, the Government must convince a neutral decisionmaker by clear and convincing evidence that no conditions of release can reasonably assure the safety of the community or any person. U.S. v. Salerno (1987)

In other words, if the judge is **not convinced**, then you **must be released**. This is a high burden. You can't be jailed on "maybe" or "the evidence suggests" or "let the back office decide later."

But it happens every day in Prince George's County. Here, in a fifth to a quarter of all bond reviews, the judge shows they are **not convinced** that release must be unsafe, but the judge **does not release** the loved one.



In Richmond, Virginia for a federal court hearing in the lawsuit about OPS

How does the judge show they are not convinced? By inviting someone else to decide later.

The judge invites an office in the deeply understaffed jail, an office that seems to have no definite name. We call it the Office of Pretrial Services" (OPS).

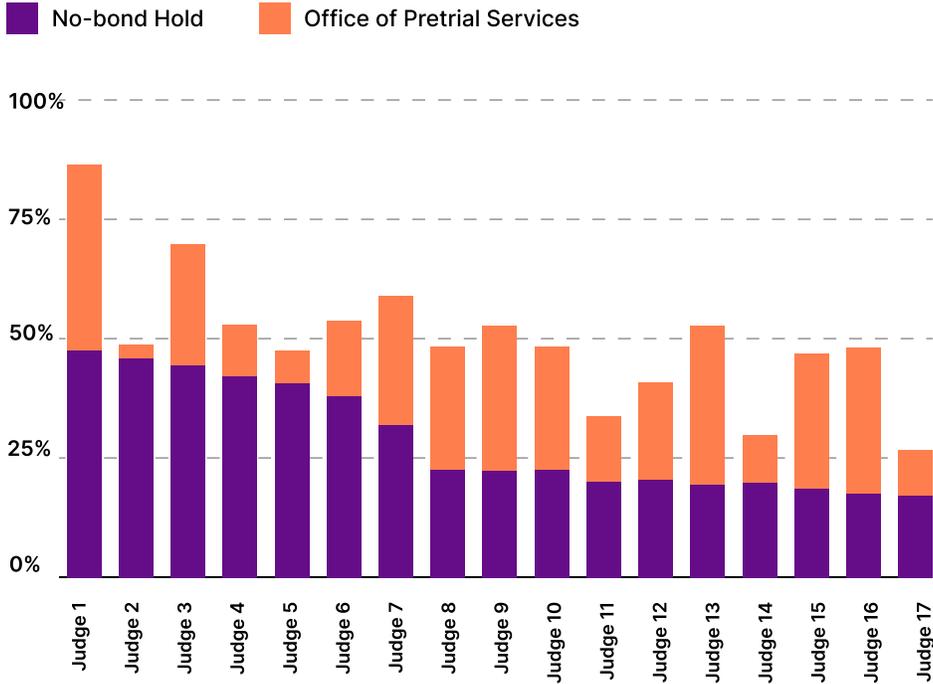
OPS supervises people on release at four different levels, which include conditions ranging from occasional phone check-ins to house arrest with an ankle monitor. When the judge invites OPS to decide whether to release you, the judge may specify a level of supervision or leave it to OPS to decide. The judge gives OPS no time limit to decide. And OPS is likely to take weeks, while you wait in jail.



ABDICATION OF THE DUTY TO DECIDE

No-Bond Hold and Office Of Pretrial Services Rulings, 2022

*Referral to OPS here include only cases where that was the person's only path to release.



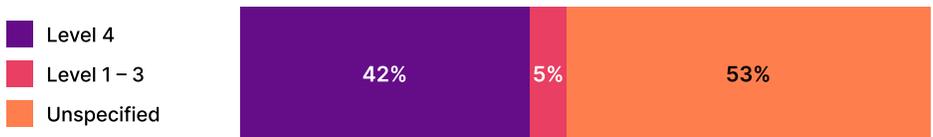
Judges can order OPS to release someone under OPS supervision, or just give OPS the option to do that.

2023: Office of Pretrial Services Orders and Options



A judge can give OPS an option that specifies how heavily OPS would supervise the person if released, from occasional check-in (Level 1) to house arrest (Level 4), or leave that decision to OPS too!

2023: Levels of OPS Supervision Set by Judge



Preliminary figures for 2023 based on large samples.

In handing the decision to OPS, judges violate not only federal law, but also the Maryland Rules, which say the decision about (a) whether you are released before trial, and (b) what rules will apply to you if released, are to be made in a prompt public hearing by a judicial officer, where you have the right to a lawyer. When the judge hands you to OPS, these decisions are made much later, in secret, with no hearing, by no judicial officer.

This Prince George's practice is highly abnormal. It is not imagined in the Maryland Rules, nor in the National Association of Pretrial Services Agencies' hundred-page handbook *Standards on Pretrial Release*. The Maryland Rules regard an OPS risk assessment only as input into the judge's deliberations in a public bond hearing. A judge is supposed to consider the recommendation of OPS, weighing it alongside many other listed considerations, if an assessment has been done. But we have **never** heard a judge ask OPS for a recommendation or ask if an assessment has been done.

Judges seem not to understand the basics of what their OPS rulings mean. After many years of putting their neighbors' lives in the hands of OPS, judges still have to ask about the basics. We have heard judges ask in hearings what "Level 3" is (one of the four possibilities). We have heard judges ask whether an address outside the county makes a person ineligible (it does for home detention). Judges also often say they do not know how long OPS takes to decide whether to release someone. They hear radically different reports on that from OPS and from attorneys. The District Court has always had the resources to find out the answers to these questions, and we have sent letters reminding them of this. If they care what their rulings mean for the people in front of them, how can they not know by now?



The family said only Ms. O could care for her autistic child, who could not walk or talk. She turned herself in on minor charges, but a jail error left her caged four days with no hearing. The alleged victim said let her out. The judge gave her to OPS. Four days later another judge released her.

OPS is very secretive. OPS takes testimony, but in secret and away from loved ones and their attorneys. We do not know who works in OPS or what qualifications they have. Much of what we know about them comes from documents they had to file with federal court in the past year and a half. Other counties' pretrial services agencies have explanatory websites. In April 2023, our county's attorneys handed a long website text on OPS to a federal judge, saying the jail "will post" it. At the beginning of 2024, however, the OPS web presence is still just a phone number under the word "Pre-Trial" in the county directory.

OPS is error-prone. The OPS assessment of your case relies on another work product of OPS, which is a rap sheet listing your prior convictions, open cases, missed court dates, etc. We know something about the quality of that work because OPS is supposed to give these sheets to the judge and lawyers before every bond hearing. Often the sheets are not ready. When they are, even a quick look by overworked public defenders sometimes finds mistakes, such as the wrong person's record, a felony conviction that never happened, and more. We are not aware that anyone else is checking OPS work for accuracy. This is why a public adversarial hearing matters.

OPS is not a "neutral decision maker." If OPS releases you, they have to supervise your release. If OPS is understaffed, they may prefer to minimize that work, by delaying your release or never deciding.

OPS is understaffed. Judges and attorneys often mention the backlog at OPS—that loved ones have to wait in line days or even weeks to be considered by OPS. In a study covering the first five months of 2022, Courtwatch PG found that for the people OPS released before trial, on average it took OPS many weeks to release them. That is a simple summary of a complicated picture, which you can explore in detail on our website.

OPS stops trying. We have recently learned that, in an apparent response to these criticisms, OPS has adopted a new policy that if in **two weeks** they have not decided to release you, they will simply give up and detain you, and call it a decision.

The OPS rep told the judge OPS takes 3 to 7 "business days" to release someone to home detention, i.e. 3 to 11 days. A few minutes later the judge misremembered it as "3 to 6 days." An attorney replied that OPS had never released any of his hundreds of clients in 6 days.

**2022: Looking only at the people OPS actually released:
How long did people have to wait for release *after* the judge authorized release, on average ?**

11 days in jail after release was ordered by a judge

48 days in jail after release was permitted by a judge

Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7
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Based on a sample of loved ones referred to OPS in January through May of 2022 for light supervision (levels 1-3), and released before their next court hearing by July 15.

From OPS referrals alone, hundreds of people today are in jail for weeks or months in violation of the Constitution.

Pretrial services agencies arose from reforms aimed at releasing more people before trial, independent of whether they are rich or poor. These reforms have been ineffective in Prince George's County.

In a grim irony, some people call OPS "Pretrial Release." When the judge hands someone to OPS, the judge sometimes says, "I'm giving you Pretrial Release." We have heard joy turn to disappointment when people realized that this meant they would not be released pre-trial, or not any time soon.



CONCLUDING THOUGHTS

How do we respond when we find ourselves in a society that neglects its youth, abandons the pursuit of justice, and disregards the well-being of its citizens? It's a stark reality that we contribute our hard-earned money to support a system that perpetuates dysfunction and oppression within our own communities.

Imagine this: You're a mother, returning home from the grocery store with three young children eagerly waiting for you. As you approach your home, a police officer pulls you over for a minor issue like a broken tail light. You say to yourself, "Thank God this officer looks like me!" Next thing you hear is, "Ma'am, step out the car with your hands up!" To your disbelief, you're informed of unresolved traffic tickets from two years ago, leading to your immediate arrest. You're now separated from your children left alone at home. You're taken to the police station, stripped of your belongings, and deemed a threat to society, resulting in being held without bond.

The following day, when you appear before the judge, they declare, "The commissioner should have granted you a bond." Now, you're asked to pay a mere \$50. While this may seem reasonable, consider the plight of a mother with three children waiting at home, left alone overnight without food. She doesn't have \$50 to secure her release, not to mention the additional cost of impounding her car along with the groceries. In this dire situation, who can this mother turn to? Her phone has been locked away by the jail. What options remain for her and her children? Not to mention that when the mother is finally released Child Protective Services is at her door, and not to mention that she has lost her job. This really happened. Court watchers hear equally heartbreaking narratives on a daily basis.

What can we do when harmful arrests happen to some, and release remains unfairly out of reach for some?

What steps should we follow when individuals are detained for weeks, awaiting release by pretrial services? Think of the harm this causes families.

How do we navigate a society that prioritizes monetary interests over the well-being of its citizens, including those with mental health challenges, low-income families, and senior citizens?

These questions compel us to reflect on the state of our society and the urgent need for change.

The many pages you have just read present what a few people discovered on their own about a small but important piece of the legal system our community is maintaining, a system that does much good and much evil.

What we can do to improve it depends partly on what positions we occupy. Judges are best positioned to work for better practices in the courts, legislators are best positioned to work for legislation. But even the highest officials can do little without the support of the rest of the community. This is on all of us.

Most of us can do a better job of active citizenship. We can be continuously learning about what is happening around us, and learning what is being done in our name. And the best way to learn is to get involved. There are many ways to join with others to influence policy, to help our neighbors, and to protect our communities. Court watching is one way to start learning and helping. Check out the national website at courtwatch.org to find a group near you! They'll show you how to do it.

We can **think more creatively** about how our society can respond to mental illness, drug dependency, and the overwhelming challenges of modern life, relying less on force and cages, and more on support and care, communication and respect.

We can work for a basic **social safety net** including health care, housing, income support, and constructive emergency services for mental health crises, so that people do not live in danger and desperation, and children forming their vision of life and humanity can feel that they live in a safe and loving world, not a cold and threatening world. Our social services must at least catch up to other advanced countries.

We can work for **real transparency** in our institutions, so that we can know what is being done in our name. Sunshine is the best disinfectant! We need real public access to court hearings, which means online access. If we are to have jails, they must have regular independent health inspectors even when these are not required by a lawsuit settlement with an expiration date. Transparency is a way to get our institutions to stop doing what they would be ashamed to be seen doing. Jails might stop charging many hours' jail wages for the privilege of requesting an appointment with a jail doctor during a pandemic.

Transparency is difficult. Knowledge can be a burden. Think of the position of a judge in bond review. It is a judge's job in bond review to make snap decisions imposing great harm on many of the people they see, and on their families, perhaps for a good cause. It might be very hard for a judge to get through a day's work without the psychological protection of seeing the loved one only on a muted screen, trusting the police reports and OPS, having the inside of the jail stay invisible to the comfortable public, and never hearing what happens to the loved ones' children. Psychologically, a judge may need to be able to hear the phrase "danger to the community" without thinking first of the danger of jail without trial.

We are all in such a position. We all need a better understanding of the role we play as we all try to make a better world in this life. We need institutions we can live with when we open our eyes.



Qiana Johnson, Executive Director of Life After Release, with
Dr. Carmen Johnson, Director of Courtwatch and Judicial Accountability

COURTWATCH

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