



# TRAPPED IN PRETRIAL: PRINCE GEORGE'S COUNTY AND THE NEED FOR MEANINGFUL BAIL REFORM

[Courtwatch PG](#) (CWPG), founded and led by formerly incarcerated Black women, has been an integral component in increasing accountability, transparency and justice in Prince George's County. Thus far, the group has observed more than 3,700 bond hearings and sent more than 300 accountability letters to administrative and chief judges, management at Prince George's County jail, state's attorneys, pretrial services, the chief of police, the Prince George's County Council and the Judiciary Committee of the Maryland House of Delegates. CWPG seeks to hold judicial officials accountable for policies and decisions leading to injustice in the courtroom, including failing to follow [Maryland Rule 4-216](#). In doing so, **Courtwatch PG is actively fighting for permanent virtual access to courtrooms**, especially as the jail's population has increased while conditions in the jail have worsened throughout the pandemic.<sup>1</sup>





**Two years into the global COVID-19 pandemic, Prince George’s County jail continues to be an epicenter of a public health crisis fueled by the spread of COVID-19 and mass incarceration.**

Courtwatch PG has found that despite the ongoing public health crisis, the Prince George’s County jail population has risen above prepandemic levels.<sup>2</sup> **Between March 2020 when the pandemic was declared by the World Health Organization and June 2022, the population of Prince George’s County jail increased by 34%.** Prince George’s County does not have a dashboard or mechanism to track COVID-19 cases in the jail, making updated and accurate statistics on the spread of COVID-19 difficult to come by. Between the onset of the pandemic and September 7, 2021, 192 incarcerated people and 139 jail staff had tested positive for the coronavirus.<sup>3</sup> In December 2021 alone, during the rise of the omicron variant, at least 122 incarcerated people and 87 jail staffers tested positive for COVID-19. In January 2022, the total case count among incarcerated people and staffers reached 221.<sup>4</sup>

**The number of people held without bail has increased, despite the 2017 Maryland Rule 4-216, which intended to reduce incarceration and prohibited judges from ordering financial conditions of release beyond what the individual can afford.** Criminalization, arrests and incarceration have devastating impacts on incarcerated people, their families, children and entire communities. Even the shortest jail stays, as short as one to three days, can cost people their jobs, housing and custody of their children — and expose people to injury, illness, trauma and even death. People detained even two to three days before their trial are more likely to be rearrested and more likely to be sentenced to jail and prison.<sup>5</sup>

Well-documented systemic inequities, such as over policing and stacking charges, result in disproportionate impacts on Black communities, Black families and Black children. Racial disparities in the legal system are concerning especially **in Prince George’s County where Black people comprise roughly 64% of the county, a percentage significantly higher than that of the United States (13.4%).**

The community consequences of pretrial detention have been especially pronounced during the ongoing COVID-19 pandemic. Hundreds of thousands of incarcerated people in the United States have been sickened with COVID-19 and thousands have died at rates higher than the general population, according to the COVID Prison Project.<sup>6</sup> **Jails have seeded millions of COVID-19 cases largely in Black and Latinx communities.**<sup>7</sup>



Even a one-night jail stay can be a death sentence for people with underlying health conditions that put them at high risk for COVID-19, and for the vulnerable members of the communities they go home to. People detained in jails have rates of high blood pressure, stroke, cardiac problems, asthma, diabetes and tuberculosis that are **two to 10 times or more the national average**. These are all conditions that **elevate the risk of serious or fatal reactions** to exposure to COVID-19.

Those released from jail, who are disproportionately Black, Native American and Latinx people and people with low income, return to communities where these same medical conditions also flourish at rates well above national averages.<sup>8</sup> The risks of **heart disease, diabetes, obesity, high blood pressure and stroke** are much higher in low-income communities and among people of color, as are many forms of respiratory illness such as **asthma**.<sup>10</sup>

In May 2020, a **federal judge found** that jail officials in Prince George’s County acted with “reckless disregard” towards a coronavirus outbreak among detained people. The judge ordered the county’s jail to submit plans to ensure proper testing, improve health care and properly protect the medically vulnerable. Incarcerated people alleged that:

- The jail failed to follow the federal Centers for Disease Control and Prevention (CDC) guidelines and failed to prevent a COVID-19 outbreak.
- While detained people experienced COVID symptoms in 2020, the county did not provide medical attention or mental health support, even while they were kept in isolation for 23 hours a day.
- Cells were not sanitized and incarcerated people were not provided soap and hand sanitizer<sup>11</sup>

Most recently, Prince George’s County’s pretrial system has **garnered increased scrutiny** following a lawsuit in July 2022 alleging that systemic failures of the county’s pretrial release process have resulted in the illegal detention of possibly hundreds of people. The lawsuit was filed by Civil Rights Corps, the WilmerHale law firm and Georgetown University Law Center’s Institute for Constitutional Advocacy and Protection in coordination with Courtwatch PG and Life After Release.

**Judicial officials in Prince George’s County must take immediate steps to improve the county’s pretrial system, especially as COVID-19 continues to disproportionately target incarcerated people, their loved ones and their communities.**



## DEMANDS

Ensure pretrial justice for all. To replace cash bail with no bond holds and detention is unacceptable and undermines the intention of Maryland Rule 4-216 to decrease incarceration statewide.



- **Judicial officials in Prince George’s County, including but not limited to the State’s Attorney’s Office, administrative and chief judges and pretrial services, must establish policies and practices that presume release and support legislation and efforts across Maryland to implement statewide change.** This is reasonable reform and occurs just across the border in Washington, D.C.
- **Eliminate all financial conditions of pretrial release.** Organizations have called for elimination of all financial conditions through legislation proposed by a state task force on pretrial reform in 2014.<sup>13</sup>
- **No User-Funded Electronic Monitoring** as an alternative to pretrial detention. Electronic monitoring should not be a vehicle for perpetuating inequality. Prince George’s County should bear all costs of electronic monitoring, including daily fees or other charges.
- **Use proven solutions to help ensure everyone can attend their court dates.** Solutions that help ensure everyone is able to make their court dates include court reminders, for example by text message; citation redesign to make citations easier to follow; free or subsidized transportation to court; and childcare assistance. In addition, improved court scheduling, easier rescheduling and a grace period for people who miss court dates can help ensure that people are able to make their court dates.
- **Ensure case information included in Maryland Case Search is accurate and updated regularly.** It is imperative that the public, advocacy organizations and those involved in Prince George’s County’s judicial system have timely access to accurate case information.
- **Provide Courtwatch PG, law students, and other advocacy organizations operating in the county permanent virtual access to courtrooms and hearings.**



## DEMANDS

**The State’s Attorney’s Office also must prioritize prosecutorial transparency and accountability using data best practices.** Best practices include timely public data sharing, such as dashboards, as well as ongoing virtual court access to ensure that community members and advocates have access to critical information.



- Ensure data is accurate and carefully collected, particularly in pretrial reports, where errors could result in detention of people who should be released.
  - » Collect and publish data on a monthly basis or as available, including but not limited to:
    - » Inspections of the jail by the independent medical expert, per August 2020 settlement.
    - » PGSAO Monthly Reports (Operation Safe Release) in their entirety, for each month as well as for a dashboard.
    - » Dashboard of COVID-19 data
- Prince George’s County Jail key indicators:
  - » Total population (count)
  - » Average daily population
  - » Pretrial population (count, % of total)
  - » Felony charges (count, % of total)
  - » Misdemeanor charges (count, % of total)
  - » Drug-related charges (count, % of total)
  - » Age (average)
  - » Age under 18 (count)
  - » Self-reported race, ethnicity and gender data
  - » Rate of appearance for scheduled court dates by program (Pretrial, etc)
  - » Language access / Interpretation needed
  - » Decisions by judge

*Prince George’s County does not have a dashboard or mechanism to track COVID-19 cases in the jail, making updated statistics on the spread of COVID-19 difficult to come by. It is essential that advocacy organizations, family and friends of those held in Prince George’s County jail, and the community at-large have timely and accurate access to data showing the full extent of the COVID-19 crisis in the jail.*

**Maryland officials took an important step toward pretrial justice and decarceration in passing Maryland Rule 4-216 and recognizing the harms of cash bail. Judicial officials in Prince George’s County must go further and end discriminatory practices by taking concrete steps to ensure pretrial justice becomes a reality.**



## REFERENCES

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