

Pretrial Release Process

After a defendant's initial appearance before a Commissioner, the defendant may be released on their own recognizance and, if not released on their own recognizance, then the defendant will be held, either on a bond or on no bond, and a bond review hearing should be scheduled by the Court before a Judge on the next available court date. If a money bond has been set by a Commissioner or a Judge, then the defendant must post the bond amount to be released.

Individuals detained at the Prince George's County Department of Corrections (PGCDOC) are detained because a judicial officer of the courts (Commissioner and or Judge) has ordered the defendant to be committed (held) to the custody of the PGCDOC.

If you listened to or attended a bond review hearing, you witnessed a hearing held by a Judge of the District Court of Maryland or the Seventh Judicial Circuit Court of Maryland, or a Judge sitting in senior status. At the initial bond review hearing, and subsequent bond review hearings, the Judge has the options of, included, **but not limited to**, releasing on personal recognizance, lowering the bond, raising the bond, allowing the bond to remain the same, or authorizing Pretrial Services of PGCDOC to determine eligibility under the Pretrial Release Program that is described below. If a defendant is authorized by the Judge under the Pretrial Release Program, then they may be released on a level of pretrial release but only if eligible. The Judge may also require that Pretrial Services of PGCDOC verify certain information prior to release. If found eligible following an investigation by the Pretrial Release Program, then the defendant will be released and supervised by PGCDOC in accordance with the Pretrial Release Program. If a defendant is found ineligible under the Pretrial Release Program or no determination of eligibility is made within ten (10) business days after the authorization by a Judge for pretrial release eligibility determination, then PGCDOC will notify in writing as soon as possible or upon the expiration of the ten (10) business days period, the defendant, the defendant's counsel, the Prince George's County State's Attorney's Office (SAO), and the Court of PGCDOC's determination and recommendation or that no determination has been made. The defendant or their counsel may then request in writing, and the Court may grant, another bond review hearing where the Court may

consider the determination by Pretrial Services of PGCDOC, and/or any additional arguments by the SAO or the defense.

Pretrial Investigation Unit

During the initial intake process, the PGCDOC's Pretrial Investigations Unit will interview the defendant. The interview will collect personal and criminal history information that will be used at the bond review hearing to provide the Judge with information to assist the Judge's decision regarding bond, personal recognizance, or pretrial release. If the defendant is released on personal recognizance, then the defendant's release will occur immediately after processing the release and their responsibility will be to report to their scheduled court dates and comply with any conditions including not engaging in criminal conduct and appearing in court when required to do so. If a defendant is granted bond, then they will be required to make the required cash or minimum percentage (%) costs to obtain release on bond and they will be responsible to report to their scheduled court dates and comply with any conditions including not engaging in criminal conduct and appearing in court when required to do so. If a defendant is released on pretrial supervision, they will be supervised by the pretrial program granted; required to follow the program conditions and report to their scheduled court dates and comply with any conditions including not engaging in criminal conduct and appearing in court when required to do so.

Pretrial Release Program

The Pretrial Release Program is a supervisory alternative-to-incarceration program that allows those committed to the custodial care of the jail to be released from incarceration while awaiting adjudication of their case. Program eligibility is based on a number of factors outlined in Maryland Rule 4-216.1 that include the seriousness of current charges, past criminal history, history of failure to appear in court, prior pretrial release history and program compliance, parole and probation violations, and significant and social ties to the local community. Note: Any defendant charged with an offense considered to be serious and violent is only and potentially eligible for a Level IV. PGCDOC departmental staff are responsible for the verification of program eligibility and will conduct interviews with all defendants recommended to the program by the Court and/or any self-referrals. Any inmate interested in the Pretrial Release Program may submit an Inmate Request Form to the attention of the Population Management Division. If found to be eligible, program participants are assigned to a supervisory level that can be authorized by a Judge at a bond review hearing and/or referred by departmental staff

for judicial authorization. The Population Management Division of PGCDoc will respond to all Court recommendations and self-referral requests within ten (10) business days regarding a defendant's eligibility. For anyone who does not meet the eligibility criteria of the Pretrial Release Program, departmental staff will provide the Court, SAO, the defendant, and the defendant's counsel with the ineligibility status in writing. If a defendant is deemed ineligible due to status changes, departmental staff will verify any status changes within 10-15 business days. If there is any status change that would deem a defendant eligible, departmental staff will notify the Court for approval and automatic admittance to the program. It is vitally important that a defendant provide accurate, thorough, and verifiable information to the PGCDoc's Pretrial Investigations Unit personnel when they are interviewed. The Pretrial Investigations Unit's personnel will attempt to verify the information a defendant has voluntarily provided. The Pretrial Investigations Unit's personnel will contact the housing unit a defendant is assigned to if they need or require additional information from a defendant.

Defendants with detainers from other jurisdictions are generally ineligible for participation in the Pretrial Release Program.

The Pretrial Release Program has four (4) supervisory levels. Once accepted into the program, a defendant will be placed on a supervisory level and must adhere to the program requirements of the assigned level. Below is an outline of the supervisory levels:

Level I

Defendants assigned to Level I have been arrested and detained on a non-violent misdemeanor, for example, fishing without a license, non-felony Motor Vehicle Association case/fine, and trespassing/vagrancy. The defendant must also have no criminal history, no failures to appear, and no pending cases. This level requires weekly calls to the assigned Case Manager.

Level II

Defendants assigned to Level II are more likely to be in jail for the first or second time with a criminal history. However, their record must reflect no recent convictions involving felony or violent crimes and they may only have up to three (3) failures-to-appear in court. This level requires contacting and meeting with the assigned Case Manager every two (2) weeks and weekly drug testing.

Level III

Defendants assigned to Level III are more likely to have an extensive criminal history and/or more serious charges. This level requires contacting and meeting with the assigned Case Manager weekly and weekly drug testing.

Level IV (Home Monitoring Program)

Defendants assigned to Level IV are charged with serious and violent felonies. This is the most restrictive supervision. It requires participants to be supervised and monitored through a global positioning system (GPS) and an electronic device. The electronic device is affixed to a defendant's leg and must remain intact during the entire time in the program. Defendants assigned to this level are supervised by Case Managers and an Investigator daily and may be subject to weekly drug testing.

If you have additional questions regarding the Pretrial Release Program, please call 301-952-7127 or 301-952-7200.