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**To Stem the Crisis of COVID-19 in Prisons and Jail, the Office of the Public Defender Asks
Court of Appeals to Exercise its Emergency Powers**

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This past week, leadership from across the Office of the Public Defender submitted a [letter to the Chief Judge of Maryland's Court of Appeals](#), urging use of her emergency powers to enable and expedite the release of incarcerated adults, and reduce the number of people confined in the state's prisons and jails. The letter, which focuses on the crisis in Maryland's prisons and jails, is separate from the petition filed on Friday [seeking the release of juvenile clients](#).

[Public health experts have unanimously warned about the dangers of incarceration during a pandemic](#) and have joined the calls for mass releases. The crowded conditions and limited ability to take the basic measures called for by the CDC causes pandemics like the coronavirus to spread even more rapidly in corrections facilities. Social distancing is the most important and effective response to this highly contagious virus, and requires a decrease in the incarcerated population.

“Public defenders have been working nonstop to address the heightened dangers for our incarcerated clients,” said Maryland Public Defender Paul DeWolfe. “While we have raised concerns about the dangers in Maryland's prisons and jails since the state of emergency began in early March, the [confirmed cases of COVID-19 in multiple correctional facilities](#) reported this week heighten the need for immediate judicial intervention.”

The measures sought under the Chief Judge's emergency powers include:

- Directing judges to release people pending sentencing or appeal if doing so would not unreasonably jeopardize public safety and to expeditiously schedule hearings for motions for modification or reduction of sentence.
- Removing the time barriers to seeking sentence reconsideration for highly vulnerable individuals (over age 60 and/or infirm) and for individuals within 90 days of release.
- Limiting pretrial detention to individuals for whom the danger posed by release outweighs the danger of incarceration during the pandemic
- Directing each administrative judge to work with OPD and the local State's Attorney's Office to expedite bail reviews and eliminate unnecessary detention.

- Suspending or rescinding warrants issued for failures to appear, probation violations, and non-technical violations unless a judge finds the danger to remaining at liberty outweighs the dangers of the pandemic.

While acknowledging that some judges and prosecutors have collaborated to reduce the number of incarcerated population in their jurisdiction during this pandemic, [the letter notes](#) “this approach is not uniform around the state, with some refusing to reconsider prior detention decisions or expressing the dangerously misinformed view that people are safer inside a jail or prison. By adopting the measures described above, the Judiciary’s leadership will provide critical guidance and direction, and eliminate barriers to courts releasing individuals.”

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