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**Statements by Leadership from the Maryland Office of the Public Defender and its
Baltimore City Office Regarding COVID-19**

For Immediate Release: March 13, 2020

Contact: Melissa Rothstein, mrothstein@opd.state.md.us, 718-873-4036

As Maryland and the rest of the country increases its response to the COVID-19 pandemic, the Maryland Office of the Public Defender (OPD) appeals to all criminal justice stakeholders to work together to reduce the inmate population as a critical measure to promote public health and safety and to minimize infringements on constitutional rights.

Paul DeWolfe, Public Defender of Maryland:

Measures taken to address this pandemic significantly impact the men and women incarcerated in Maryland's prisons and detention centers. These individuals are detained in close quarters, without the ability to effectively exercise social distancing practices, and are the most vulnerable to infection. The high number of people in detention increases the public health risks for society, worsens the already harsh conditions endured, and jeopardizes basic principles of our criminal justice system.

Beyond the dangers of illness and fatalities, our clients are languishing in facilities with worsening conditions. Family visitation has ended, attorney communications curtailed, and more people are on 'lockdown,' confined to their cell for 23 hours per day. The suspension of jury trials in the circuit courts statewide places an additional pressure on our clients to plead guilty as the only way for them to take the basic precautions that the rest of us have available to avoid contracting the coronavirus.

These concerns can be minimized by releasing the large number of individuals who pose little safety risk to the community. In particular, older and infirm inmates who are especially vulnerable to infection, people held on low-level nonviolent charges, and those serving short sentences or are otherwise near release should be released right away.

Leadership from our offices across the state are communicating with their local judiciary, state's attorney, and corrections leadership to address these issues.. Everyone must take responsibility to address the unique concerns and challenge with keeping large numbers of people incarcerated who pose no immediate danger. While some of these stakeholders recognize the urgency of reducing the jail and prison population, others are responding solely by reducing their internal operations. Limited court access and reduced corrections staffing will dangerously promote the spread of the coronavirus not only across our clients but for everyone who is in contact with them and beyond.

Becky Feldman, Deputy Public Defender for Maryland:

The Maryland state prison system has 1100 inmates over the age of 60, who are the most vulnerable not just to contracting COVID-19, but to dying from it. Maryland's experience with the release of the "Unger defendants," consistent with national research, confirms that geriatric prisoners present an exceptionally low rate of recidivism but, even in normal conditions, are an enormous strain on the correctional health system. The immediate testing and treatment needs to ensure the health and survival of older and infirm inmates during this pandemic are well beyond the capacity of prison medical care and the continued incarceration of these especially vulnerable individuals is likely to result in otherwise preventable deaths.

Kirsten Gettys Downs, District Public Defender for Baltimore City:

Baltimore City has the largest number of pretrial detainees and criminal cases in the state, resulting in conditions that are particularly dangerous during this public health crisis. The overcrowding of our system requires particular urgency to reduce the number of Baltimore City residents in cramped jail cells and courtrooms, with limited access to medical care. Current conditions place our clients, everyone involved in the criminal justice system, and all the individuals that we collectively come in contact with at heightened risk of contracting the coronavirus. We have identified more than 50 detained clients that fall within the vulnerable status outlined by the CDC. We also have numerous cases that will be postponed due to the court's suspension of jury trials. Releasing these individuals and those with nonviolent misdemeanor charges until a later court date is a critical public health measure.

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