An Assessment of the Anne Arundel County, Maryland, Pretrial Release Unit's Recommendation Scheme and Review of Program Operations

TECHNICAL ASSISTANCE REPORT

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Technical Assistance Assignment No. 2-047

An Assessment of the Anne Arundel County, Maryland, Pretrial Release Unit's Recommendation Scheme and Review of Program Operations

July, 1990

Consultant:
Roman (Skip) Duranczyk

Prepared Under BJA Cooperative Agreement Number 89-DD-CX-K013
Technical Assistance No.:  2-047
Requesting Jurisdiction:  Anne Arundel County, Maryland
Requesting Agency:   Anne Arundel County Detention Center
Requesting Official:  Richard J. Baker
Superintendent
Dates of On-Site Study:  June 14 and 15, 1990
Consultant(s) Assigned:  Roman (Skip) Duranczyk
Central Focus of Study:  Jail Capacity Management: Assessment of Recommendation Scheme and Program Operations.

This report was prepared in conjunction with the Adjudication Technical Assistance Project, which is conducted under a Cooperative Agreement between the Bureau of Justice Assistance of the U.S. Department of Justice and The American University.

Organizations undertaking such projects under Federal Government sponsorship are encouraged to express their own judgment freely. Therefore, points of view or opinions stated in this report do not necessarily represent the official position of the Department of Justice.
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Exhibit D - Recommendation Scheme Example Showing Good Candidate For Personal Recognizance Release
I. INTRODUCTION

A. Background of Request for Technical Assistance

On February 15, 1990, Richard Baker, Superintendent of the Anne Arundel County, Maryland Detention Center, requested assistance from BJA's Adjudication Technical Assistance Project (ATAP) at the American University to evaluate the efficacy of the point system used to guide release recommendations by the Detention Center's Pretrial Release Unit, and to determine the efficiency of current program operations. Robin Harting, Acting Deputy Director of the Anne Arundel County Detention Unit and former Pretrial Release Program Supervisor, served as the local coordinator for this study.

The Anne Arundel County Pretrial Release Unit originated as part of the Detention Center in July, 1983. In its first year, the program functioned primarily as a post-arraignment screening unit, interviewing only inmates charged with non-violent crimes who were not previously released at bail review. Beginning in the second year of operation, the program began pre-arraignment screening, interviewing all pretrial detainees prior to District Court (lower court) bail review. Since its formation in 1983, the Pretrial Release Unit has used a point scale, adopted from a neighboring jurisdiction, to set criteria for release recommendations. Since the scale has not been modified or evaluated since it was first introduced, Detention Center officials sought ATAP assistance to assess its utility and, particularly, to determine the degree to which the recommendation scheme accurately reflected the risks posed by offenders in Anne Arundel County.

B. Scope of Study

In responding to this request for assistance, ATAP assigned Roman (Skip) Duranczyk, who has served as Director of the San Mateo County, California Release on Recognizance Project since 1978. Mr. Duranczyk is a specialist in the pretrial release management field and has provided technical assistance to many jurisdictions nationwide.

Prior to the site visit, Ms. Harting provided background information and statistical data on Anne Arundel County, the Detention Center, the Pretrial Release Unit, as well as a current copy of the point scale (See Exhibit A). In addition to reviewing these materials, Mr. Duranczyk, Ms. Harting, and ATAP staff discussed and formulated the agenda for the on-site visit which Mr. Duranczyk conducted on June 14-15, 1990.
Although the primary focus of the site visit was upon evaluating the efficacy of the current point scale, a secondary objective was to assess the efficiency of the operations of the Pretrial Release Unit. In order to meet these two objectives, Mr. Duranczyk interviewed both Pretrial Release Unit staff and the following officials involved in the pretrial process:

Honorable Raymond Thieme - Chief Judge, Circuit Court  
Honorable Thomas Curley - Administrative Judge, District Court  
Honorable Clayton Greene - District Court  
Richard Baker - Superintendent, Detention Center  
Stephen Harris - Public Defender  
William Katcef - Assistant State’s Attorney

Discussions with these criminal justice officials focused on their perspective on Pretrial Release Unit operations, and on the type of defendants recommended by the Unit for release. During the time spent with the Pretrial Release Unit staff, all current forms used to record data were reviewed.

The report that follows documents Mr. Duranczyk's observations concerning the recommendation scheme used in Anne Arundel County and his commentary regarding program operations.
II. ANALYSIS OF EXISTING SITUATION

A. Demographic and Caseload Data for Anne Arundel County, Maryland

The Anne Arundel County population is 431,216. The principal city in the County is Annapolis, the state capitol. The County is bordered to the north by Baltimore and to the west by Prince George's County, a major Washington suburban community. There are two major military installations in the County, Fort Meade and the United States Naval Academy. The population is eight-six percent white and fourteen percent black. The current unemployment rate is two and one-half percent.

For FY 1989, the criminal case filings in Anne Arundel County consisted of 4,427 felonies and 10,964 misdemeanors.

B. Detention Center Population

The capacity of the Anne Arundel Detention Center is 550. The Detention Center population rose rapidly from 1986 to April 1989, when it peaked at 506. Since that time, the population has steadily decreased to a current low of 384 inmates. Some individuals interviewed attribute this decline in the inmate population to two operational changes in the criminal justice system: 1) expansion of the Pretrial Release program to Circuit Court bench warrant cases (before - defendants arrested on a capias would be held up for up to two months; now 1/2 of this population is released on the day of the bond hearing); and 2) a new policy of expedited trials for misdemeanor offenders. As of May, 1990, sixty-two percent of the Detention Center population was pre-trial and 38 percent was post-trial. Of the pretrial inmate population, 64 percent were awaiting trial on felony charges and 36 percent on misdemeanor charges. Of the 38 percent held post-trial, 20 percent were serving time for felonies and 80 percent for misdemeanors. The average sentence length for defendants serving time in the Detention Center was seven months. Under Maryland law, the maximum sentence for which a defendant can be committed to a local facility is 18 months. The average length of stay for all inmates is 22 days.
C. The Pretrial Release Unit

The Anne Arundel County Pretrial Release Unit is staffed by a supervisor, three investigators and two clerks who track persons released to the Unit's supervision, monitor compliance with release conditions, and provide notification services to defendants regarding court dates, etc. Additionally, one classification counselor is assigned to the Unit on a full-time basis and is responsible for conducting follow-up investigations and scheduling bail reconsideration hearings, as appropriate. Currently, the supervisor position is vacant, with the duties being performed by an acting supervisor who also functions as an investigator.

The Unit interviews approximately 70 inmates per week, 60 percent of whom are charged with misdemeanors, 40 percent with felonies. The number of persons under pretrial supervision fluctuates between 500 and 550 persons. About 20 percent of all persons screened are charged with felony crimes of violence and are ineligible for a release recommendation. Approximately 30 percent of the persons interviewed are recommended for conditional release; only two percent are recommended for release on recognizance. The remaining 48 percent are excluded from non-financial conditions of release.

Based on statistics maintained by the Pretrial Release Unit, the failure to appear rate for defendants under its supervision is 11 percent\(^1\). The Unit initiates violation procedures for failure to comply with conditions in approximately 10 percent of the cases supervised. Eleven percent of the defendants supervised are arrested on new charges while they are under the Unit's supervision. There is overlap in the three categories above, although the extent to which the same defendants are included in more than one category was not determined by this analysis.

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\(^1\) This rate is not out of line with the national average.
III. Findings

In general, all Anne Arundel County officials interviewed were very pleased with the overall operation of the Pretrial Release Unit, and seemed to be aware of the valuable service it provides to the criminal justice process of the County. In almost every instance, they expressed interest in receiving more information on defendants from the Unit -- a testament to the program's credibility with these officials.

A review of current Unit operations suggests several areas in which the program can/should expand to allow for more defendants to qualify for a positive release recommendation and for more thorough information to be presented to the Court.

1. Need for Adequate Staffing

In order for any improvement, expansion, or alteration to the Pretrial Release Unit to be effected, the crucial problem of understaffing should be addressed. At the time of the on-site visit, the Unit was being operated without a full-time supervisor. The Program was being operated by an acting supervisor who also was working as an investigator.

An example of the effect of short staffing on the release rate of eligible defendants was observed in the number of defendants remaining in custody because the pretrial investigation report was incomplete. Although time did not permit a complete examination of the in-custody pretrial population, in a brief survey of eleven defendants, three were found to have incomplete pretrial investigations; one defendant's status appeared to have changed so that he now appeared eligible for personal recognizance consideration. This defendant was originally charged with burglary, but the charge was dismissed, so that the only remaining charge for which he was being held in custody was a battery charge.

The Pretrial Release Unit has been instrumental in making sure that there is an available list of all in-custody pretrial defendants (see Exhibit B). This is an excellent tool for a supervisor to use to review program activity. However, when there is a staff shortage, it is difficult to keep up with new investigations let alone review past work.
2. **Need to Expand Point Scale and Recommendation Scheme**

   Clearly, the point scale used by the Unit is too restrictive. There are many factors indicating factors not included in the point scale and thus not considered when deciding who is eligible for a positive release recommendation. For example, a defendant collecting disability payments receives no points. If a defendant is receiving disability checks on a regular basis, there should be no difficulty in knowing where the defendant resides or how to find him if he fails to appear for Court. Collecting disability payments would seem to be as valid an indicator of stability as employment (see Exhibit C). If the point scale remains as is, it seems disproportionately weighted toward employment at the expense of other options (i.e. being a full-time house wife, being a retired person, or being on some sort of disability program).

   Additional factors, which other programs using point scales typically consider, such as seeing a medical practitioner on a regular basis, being a member of a union, prior successful non-financial releases (if you penalize for failure-to-appears, why not reward for pretrial release program success) are not considered at all. In addition, the total number of points necessary to receive a positive personal recognizance recommendation seems too high. An individual who has lived in the same place with his family for more than a year, has been in the area for three years or more, does not abuse drugs or alcohol, and has never been arrested before seems like a good candidate for personal recognizance release. According to the current point scale, however, this person needs supervision (see Exhibit D).

3. **Recommendations to the Court for Pretrial Release**

   Pretrial release recommendation reports submitted to the Court seem rather perfunctory. This appears to be another result of staff shortages. There seemed to be little time for review, or fleshing out the picture of a defendant’s background prior to the presentation of the report to the Court. As previously indicated, everyone involved in the process, including the Court, would welcome and could use more information from the Pretrial Release Unit.

4. **Need for Automated Management Information**

   Pretrial Release Unit data and statistics are compiled manually. At best, this is a slow, relatively inaccurate method to measure program effectiveness, evaluate potential
options for changing procedures/policies, and/or monitoring program operations. Even when a program is fully staffed, managing data in this way is probably an injudicious use of personnel. The problems with manual data compilation are exacerbated when, because of staffing problems, data is not able to be compiled on a consistent basis.

There are no procedures established to measure defendant performance, i.e. how many of the defendants scoring 6-8 points, released under minimal supervision, failed to appear for Court or caused any problem while on "personal recognizance" release. If none of them proved to be a problem, perhaps they did not need even minimal supervision. Questions such as this are difficult and time consuming to answer using a manual data search. Properly programmed, a personal computer could answer the same question in minutes.
IV. RECOMMENDATIONS

The following recommendations are made based on a review of the Anne Arundel County Pretrial Unit’s operation and on information obtained through interviews with key criminal justice officials.

1. **The Pretrial Release Unit Should Maintain A Full-Time Pretrial Release Supervisor.**

   A full-time Pretrial Program Supervisor should be maintained. This is critical for a well-run program and crucial for maintaining the credibility of the program.

2. **The Point Scale Should Be Expanded To Allow For A Wider Variety Of Defendant Characteristics To Be Evaluated And The Possibility Of Lowering The Number Of Points Necessary For A Personal Recognizance Recommendation Should Be Researched.**

   The point scale should be expanded to allow for a wider variety of defendant characteristics to be evaluated and the possibility of lowering the number of points necessary for a personal recognizance recommendation should be researched. Many pretrial agencies that use an objective point scale in making recommendations to the Court evaluate a much greater variety of defendant characteristics than does the Anne Arundel County Program. By expanding the point scale in this manner, more defendants should qualify for a positive personal recognizance recommendation. The current interview form can easily be expanded to accommodate the additional information needed to be gathered. In addition, a study should be made of the supervised release population to examine the possibility of lowering the total number of points necessary to qualify for a personal recognizance recommendation. (See Exhibit C as an example of a defendant who scores 6 points and probably does not require any supervision.)

3. **The Presentation Of Recommendations To The Court Should Be Expanded.**

   The presentation of recommendations to the Court should be expanded. The Court has indicated that it wants as much information as the Pretrial Release Unit can supply. Greater care should be taken with individual reports, making sure that reports about a person’s background presented to the Court are as complete as possible. Every effort should be made to have the report completed by the time of the defendant’s first court appearance. If it is not completed by that time, it should be completed as soon
court appearance. If it is not completed by that time, it should be completed as soon thereafter as possible. The system would greatly benefit from timely submitted reports. The Court would have more information to make appropriate release decisions and the Detention Center would either not have to house defendants who are eligible for release, or would have more information to properly classify those remaining in custody.

4. **A Computerized Data Management System Should Be Established.**

A computerized data management system should be established. Manual record keeping is time consuming and relatively inaccurate. The Pretrial Release Unit could computerize its data management with a personal computer and some relatively simple programing. (The Pretrial Services Resource Center in Washington, D.C. would be the best resource for recommendations regarding computer programs tailored to pretrial agencies.) The cost of this type of data management computerization is very reasonable. It would provide the Unit with a very potent management tool and would be able to provide on a regular basis the type of statistical data the Unit needs to monitor its operations.

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2 It is the consultant’s understanding that efforts are now underway to develop a system for the prompt rescheduling of any cases for which reports are not ready by the time of the defendant’s first appearance.
IV. SUMMARY

The results of the consultant’s review of the point scale used for release recommendations and interviews with key criminal justice officials regarding the role of the Pretrial Release Unit in the justice system process were quite clear: the current point scale and its application to detained defendants is more restrictive than necessary. Still, the Anne Arundel County Pretrial Release Unit is basically a very good, very sound operation, and is highly regarded by other system officials linked to its operation. What appears to be needed at this point is to solidify current practices and to modify/expand them in certain areas: the point scale, the type of defendants recommended for personal recognizance release, the quantity and quality of the information presented to the Court, and development of an automated information system of data management. Because the basic program is sound, this expansion and/or addition should be able to be accomplished at minimal cost and with a minimum of effort.
EXHIBIT A

Anne Arundel County Detention Center
Pretrial Services
Recommendation Scheme

Exclusions
Exclude the following arrestees from release consideration:

A. Arrestees whose mental health indicates appropriateness for DHMH evaluation.
B. Arrestees charged with a crime of violence.

Point and Deduction Scheme
Use the following scheme to determine release eligibility.

Recommendation: Recommend one of the following, according to final verified point total:

11 - 9  Personal Recognizance
8 - 4  Conditional Release
3 - 0  No Recognizance Release

Points: Assign the appropriate point total in each category.

Verified

Residence

3  Present residence 1 year or more or owns residence.
2  Present residence 6 months or more or present and prior 1 year.
1  Present residence 3 months or more and or present and prior 6 months.
0  Present residence 3 months or less.

Family Ties

3  Lives with family (spouse or dependants).
2  Lives with relatives or lives with non-family individual for 1 year or more.
1  Lives with non-family individual and has contact with relatives in area.
0  Lives alone.

Time in Area

1  Area resident for 3 years or more.
0  Area resident for less than 3 years.
EMPLOYMENT

3 Present job 3 or more years.
2 Employed for 1-3 years or present and prior jobs 2 years or more.
1 Employed for less than 1 year, or receiving unemployment compensation, or full-time student, or retired, or homemaker.

ALCOHOL/DRUG ABUSE

-1 Current abuse or history of abuse.

CRIMINAL HISTORY

1 No convictions.
-1 One felony conviction or two misdemeanor convictions.
-2 Two or more felony convictions or three or more misdemeanor convictions.
-1 Prior probation or parole violation.
-2 Prior FTA conviction.
-1 Prior FTA.

FINAL RECOMMENDATION

A. Excluded: _____ (YES/NO) REASON: ____________________________

B. TOTAL POINTS: _______

1. _____ Personal Recognizance

2. _____ Conditional Release: Conditions recommended should address a specific problem found in the point scheme.
   _____ Regular Conditional Release
   _____ Additional Conditions:
       _____ Participate in drug treatment
       _____ Participate in alcohol treatment
       _____ Other Special Condition(s) __________________________

3. _____ No Recognizance Release

Pretrial Services recommends against non-financial release for the following reasons:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
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EXHIBIT C P.1

ANNE ARUNDEL COUNTY DETENTION CENTER
PRETRIAL SERVICES
RECOMMENDATION SCHEME

EXCLUSIONS

Exclude the following arrestees from release consideration

A. Arrestees whose mental health precludes release.
B. Arrestees eligible for prosecution as Career Criminals.
C. Arrestees charged with a crime of violence.
D. Arrestees charged with Murder or Rape.

POINT AND DEDUCTION SCHEME:

Use the following scheme to determine release eligibility.

RECOMMENDATION: Recommend one of the following, according to final verified point total:

11 - 9 Personal Recognizance
8 - 4 Conditional Release
3 - 0 No Recognizance Release.

POINTS: Assign the appropriate point total in each category.

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<th>INTERVIEW</th>
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<tbody>
<tr>
<td>3</td>
<td></td>
<td>Present residence 1 year or more or owns residence.</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>Present residence 6 months or more or present and prior 1 year.</td>
</tr>
<tr>
<td>1</td>
<td></td>
<td>Present residence 3 months or more and or present and prior 6 months.</td>
</tr>
<tr>
<td>0</td>
<td></td>
<td>Present residence 3 months or less.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>RESIDENCE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Lives with family (spouse or dependents.)</td>
</tr>
<tr>
<td>2</td>
<td>Lives with relatives or lives with non-family individual for 1 year or more.</td>
</tr>
<tr>
<td>1</td>
<td>Lives with non-family individual and has contact with relatives in area.</td>
</tr>
</tbody>
</table>
TIME IN AREA:

1
Area resident for 3 years or more.
Area resident for less than 3 years.

EMPLOYMENT:

3
Present job 3 or more years.

2
Employed for 1-3 years or present and
prior jobs 2 years or more.

1
Employed for less than 1 year, or
receiving unemployment compensation, or
full-time student, or retired, or
homemaker.

DISABLED

ALCOHOL/DRUG ABUSE:

-1
Current abuse or history of abuse.

CRIMINAL HISTORY:

1
No convictions.

-1
One felony conviction or two misdemeanor
convictions.

-2
Two or more felony convictions or three
or more misdemeanor convictions.

-1
Prior probation or parole violation.

-2
Prior PTA conviction.

-1
Prior PTA.

FINAL RECOMMENDATION:

A. EXCLUDED: [YES/NO] Reason: 

B. TOTAL POINTS: 

RECOMMENDATION:

/ Personal Recognizance

Conditional Release: Conditions recommended should
address a specific problem found in the point
scheme.

Regular Conditional Release:
Report required
Refrain from illegal behavior
Stay away from all prosecution witnesses.
Appear in Court as required.
Notify PTS and Court of changes in address or
employment.
Answer all reasonable inquiries by PTS
EXHIBIT D P.1

ANNE ARUNDELL COUNTY DETENTION CENTER
PRETRIAL SERVICES
RECOMMENDATION SCHEME

EXCLUSIONS
Exclude the following arrestees from release consideration
A. Arrestees whose mental health indicates appropriateness for DHMH evaluation.
B. Arrestees charged with a crime of violence.

POINT AND DEDUCTION SCHEME
Use the following scheme to determine release eligibility.

RECOMMENDATION: Recommend one of the following, according to final verified point total:

11 - 9  Personal Recognizance
8 - 4  Conditional Release
3 - 0  No Recognizance Release

POINTS: Assign the appropriate point total in each category.

VERIFIED

RESIDENCE

□ 3  Present residence 1 year or more or owns residence.
□ 2  Present residence 6 months or more or present and prior 1 year.
□ 1  Present residence 3 months or more and or present and prior 6 months.
□ 0  Present residence 3 months or less.

FAMILY TIES

□ 3  Lives with family (spouse or dependants).
□ 2  Lives with relatives or lives with non-family individual for 1 year or more.
□ 1  Lives with non-family individual and has contact with relatives in area.
□ 0  Lives alone.

TIME IN AREA

□ 1  Area resident for 3 years or more.
□ 0  Area resident for less than 3 years.
EMPLOYMENT

3. Present job 3 or more years.
2. Employed for 1-3 years or present and prior jobs 2 years or more.
1. Employed for less than 1 year, or receiving unemployment compensation, or full-time student, or retired, or homemaker.

ALCOHOL/DRUG ABUSE

-1. Current abuse or history of abuse.

CRIMINAL HISTORY

1. No convictions.
-1. One felony conviction or two misdemeanor convictions.
-2. Two or more felony convictions or three or more misdemeanor convictions.
-1. Prior probation or parole violation.
-1. Prior FTA.

FINAL RECOMMENDATION

A. Excluded: (YES/NO) REASON: __________________________

B. TOTAL POINTS: 7

1. ___ Personal Recognizance
2. / Conditional Release: Conditions recommended should address a specific problem found in the point scheme.

   Regular Conditional Release

   Additional Conditions:
   ___ Participate in drug treatment
   ___ Participate in alcohol treatment
   ___ Other Special Condition(s) __________________

3. ___ No Recognizance Release

   Pretrial Services recommends against non-financial release for the following reasons:

   __________________________
   __________________________