

OFFICE OF THE STATE'S ATTORNEY  
FOR  
BALTIMORE CITY

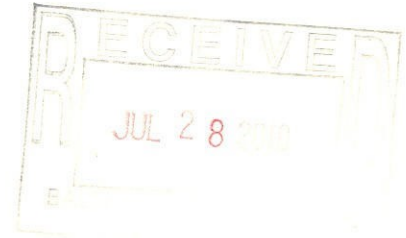
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July 27, 2010

The Honorable James B. Kraft  
Chair, Public Safety and Health Committee  
100 North Holliday Street, Room 503  
Baltimore, Maryland 21202



Dear Councilman Kraft:

The Office of the State's Attorney for Baltimore City (OSA) has reviewed City Council Bill 10-0217R that directs representatives from the Baltimore Police Department, the Office of the State's Attorney for Baltimore City, and the Mayor's Office of Criminal Justice to appear before the Council to explain the reasons why an abnormally high percentage of rape complaints in Baltimore are dismissed as unfounded and to discuss what changes must be made to ensure that rape allegations are investigated properly and respectfully.

The Sex Offense Division of the OSA (the Division) is responsible for the prosecution of sexual assault cases involving adults as well as minors. The prosecutors assigned to the Division are on 24 hour call, on a rotational basis, to answer questions from the Baltimore Police Department, other law enforcement and child advocacy agencies as well as the public. Investigative agencies such as the Baltimore Police Department are not required to contact the Division for authorization before obtaining warrants or clearing cases, except for limited circumstances. (See last paragraph). Clearing cases include but are not limited to *suspending an investigation*, "*unfounding*" an investigation or *exceptionally clearing an investigation*.

Once a suspect is arrested, cases are then forwarded to the Division from Central Booking and Intake Facility. Cases that were reported during a prosecutor's duty week are then assigned to that duty prosecutor. These cases are then logged in by support staff and letters are sent to the victim to contact the assigned assistant state's attorney (ASA). Once a case is received, the duty ASA contacts the detective to review the case. A meeting is conducted with the victim and a determination is made regarding prosecution of the case. The victim is informed of the decision and of the next steps in the process.

In investigations involving teachers, public figures and employees of governmental agencies, the Baltimore Police Department contacts the division chief for input. The division chief or a designated ASA will assist with interviewing victims and other witnesses and the division chief will recommend the next steps in the investigation. In cases involving law enforcement, emergency services personnel

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or an educator, an arrest warrant must be authorized by the division chief. (See Courts and Judicial Proceedings Section 2-608). In cases involving public figures and employees of other agencies, it is customary for the investigative agency to seek authorization from the division chief. For exceptional clearances sought in investigations involving 1<sup>st</sup> Degree Sex Offense and 1<sup>st</sup> Degree Rape, the division chief must sign off on the request for exceptional clearance.

As you may have heard, through the Sexual Assault Response Team the Baltimore Police Department will be implementing a review to assess current and past practices pertaining to the various resources utilized for sexual assault and rape investigations. Our office has been extended an invitation to assist this team with assessing and evaluating past and present unfounded rape cases to determine if the cases are in fact unfounded or require further investigation.

We look forward to sharing our recommendations.

Sincerely,

  
Patricia C. Jessamy  
State's Attorney for Baltimore City

*Cc: The Honorable Bernard C. Young*