

OFFICE OF THE STATE'S ATTORNEY
FOR
BALTIMORE CITY

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BALTIMORE, MARYLAND 21202

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October 25, 2008

PHONE:

410-396-4986

The Honorable James B. Kraft
Chair, Judiciary and Legislative Investigations
100 N. Holliday Street, Suite 400
Baltimore, MD 21202

Dear Councilman Kraft:

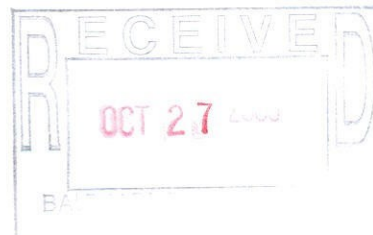
The State's Attorney's Office for Baltimore City (SAO) has reviewed City Council Bill 08-0067R which requires the Baltimore City State's Attorney and the Baltimore City Police Commissioner, with the aid of area law schools and other legal resources develop an inter-agency training program for police officers. This training initiative would help ensure that citations for "nuisance" crimes meet requisite legal standards to bolster prosecution efforts.

Although City Council Bill 08-0067R requests that the Baltimore City State's Attorney and the Baltimore City Police Commissioner develop a joint training program, in fact, over the past 5-years the SAO has participated in hundreds of in-service training sessions and prosecutors have worked closely with command staff of the Baltimore Police Department (BPD) to develop training modules to help improve criminal cases accepted for prosecution.

These training efforts, some with durations over a year, have included weekly in-service trainings for the BPD on topics such as taking statements from defendants, witnesses and victims, writing criminal citations, as well as report writing, testifying in court, and court room professionalism. In addition, SAO division chiefs have provided on-going training to the BPD investigative units that investigate rape, domestic violence, child abuse, and homicide cases.

In 2007, we expanded the training curriculum to include training cadets at the Baltimore City Police Training Academy, and in September 2008 added an additional person to the SAO training division. (For a complete timeline of the SAO's Citation training see Attachment 1.)

Additionally, the SAO and the BPD have continued to explore ways to ensure that citations meet requisite legal standards to be upheld in court. Although the SAO has been involved in officer training on citation issues since 2003, including detailed instruction as to what can and cannot be charged by citation, correct statutory authorities, and elements of the crime charged, these same problems continue to be obstacles that prohibit the successful prosecution of many citation cases. We have included for your review (Attachment 2) outlining the common reasons for dismissal of the most frequently charged citation offenses.

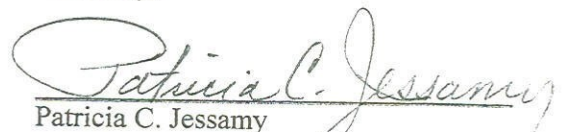


Comments

The SAO will continue to work with the BPD to develop a system that will reduce the number of improperly written and charged citations, as well as provide specialized training for officers in need. It is the opinion of this Office that the provision in City Council Bill 08-0067R that requests that area law schools and other legal resources help to develop an inter-agency training program should be omitted. The State's Attorney's Office believes that training must be consistent and done by agencies and individuals who are responsible for courtroom presentations.

The SAO recognizes that a comprehensive training curriculum increases public safety and awareness among officers and builds rapport between both agencies. The SAO is dedicated to working with the BPD, the Baltimore City Police Academy, and any other Federal or State law enforcement office to ensure Baltimore police officers receive the highest standard of training possible.

Sincerely,


Patricia C. Jessamy
Baltimore City State's Attorney

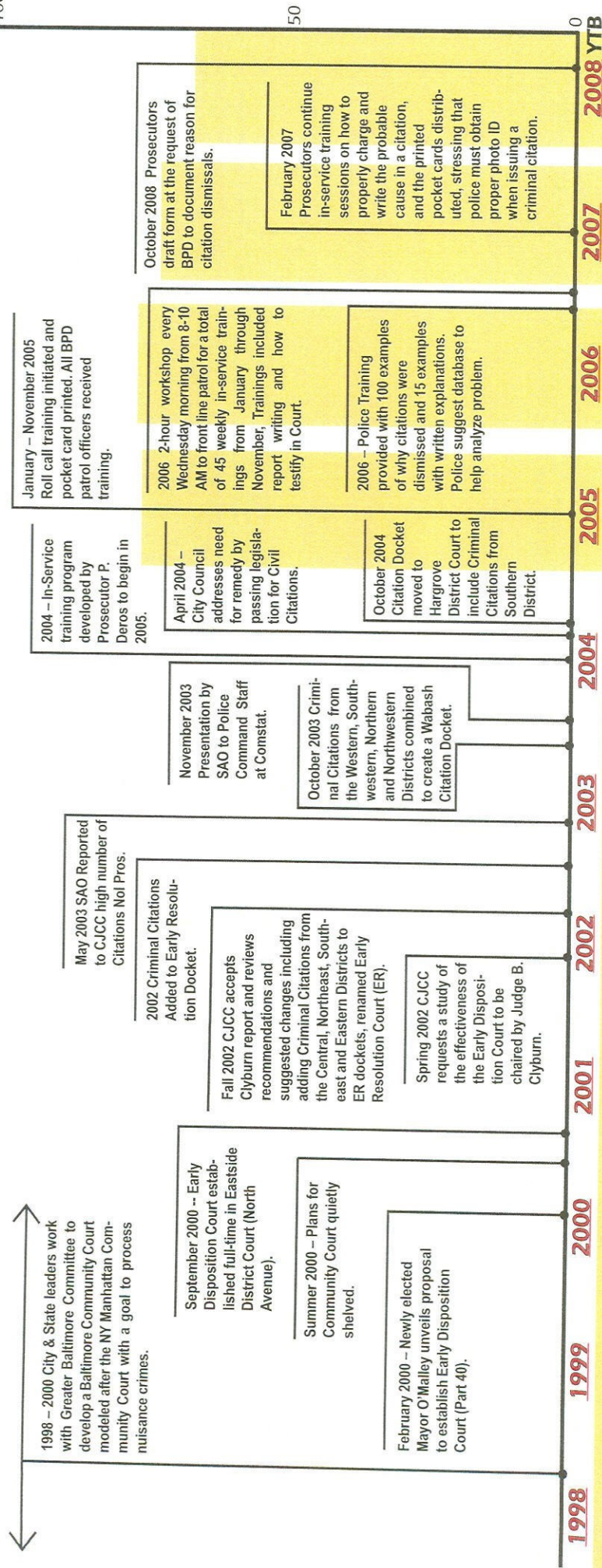
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Encls: (2)

Cc: Mayor Sheila Dixon
Police Commissioner Frederick Bealefeld
City Council Members
Sheryl Goldstein
Mary Ann Burkhart
Margaret Burns
Patricia Deros
Jennifer Etheridge
Shonte Drake



Timeline State's Attorney's Office Training and Prosecution of Criminal Citations 1999 - 2008



ATTACHMENT 2

COMMON CITATIONS

Open Container

BCC Art. 19 §14-2; 30 days or \$50/\$500

- a. Alcohol brand name/type must be on front

Most common reasons for nol pros:

citing wrong statute (Article 19-20)
No type of alcohol list in charge
(should read "did possess an open container
of an alcoholic beverage, to
wit: _____, on a public street")

Disorderly Drinking

BCC Art. 19 §13-1; 90 days or \$50 - \$500

Most common reason for nol pros:

no statement of facts to support the charge.
Usually on the statutory language appears on
the front of the citation.

Loitering

BCC Art. 19 §25-1; 10 days or \$500

- a. Interfere, impede or hinder
- b. Warned of violation ½ hour or less prior to citation
- c. Refused to comply

Most common reason for nol pros:

no statement supporting inferring, impeding
or hindering, and statement as warning of
violation. Usually the citation just contains
the statutory language.

Loitering of Front of Liquor Store

BCC Art. 19 §25-2; 30 days or \$500

Most common reason for nol pros:

Usually the citation just contains the
Statutory language, it does not
describe how free passage was
obstructed or the officer's request for
the individual to move on.

Soliciting and Aggressive Soliciting

BCC Art. 19 §47; 1st time 30 days or \$100;

2nd time w/in 1yr 90days or \$250

Most common reason for nol pros:

No statement as to aggressive actions

Hacking i.e. "providing taxi services without a license"

BCC Art. 19 §52-2; 6m or \$500

- a. Must see money exchanged
- b. Driver, not passenger

Most common reason for nol pros:

Officer does not see money exchanged, lacks probable cause for a traffic stop, only way to prove is a co-defendant's statement.

Urinating

BCC HE §5-503; 30 days or \$500

Most common reason for nol pros:

charged under the wrong statute (BCC 19-171)

Littering (under 1 pound)

CR §10-110; 30 days or \$1000

Most common reason for nol pros:

No statement as to what was littered

Night Riding

BCC Art. 31 §18-5; \$10

- a. Riding without lamps or reflectors

Most common reason for nol pros:

No time listed on citation (must be after dark)

Sidewalk Riding

BCC Art. 31 §18-8; \$10

Peddling Without a License

BR Art. 17 §911; \$500

Dice

CR §12-103; 2yrs or \$100

Most common reason for nol pros:

Can't be charged by citation

Fail to Obey

CR §10-201; 60days or \$500

- a. Must have a public aspect

Most common reason for nol pros:

Only the statutory language
Appears on the citation
no factual basis provided

Disorderly Conduct

CR §10-201; 60days or \$500

Most common reason for nol pros:

Only the statutory language
Appears on the citation – no factual basis
provided

Theft

CR 7-104

Less than \$100 = 90 days

Less than \$500 = 18 months

Most common reason for nol pros:

wrong statute charged (Art. 27-342)

CDS

Most common reason for nol pros:

illegal charging document

Assault 2nd Degree

Most common reason for nol pros:

illegal charging document