# OFFICE OF THE STATE'S ATTORNEY FOR

### BALTIMORE CITY

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STATE'S ATTORNEY

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.



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

PCJ:dhj 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

200	<b>.</b>	
ecutors tuest of eason for ason for continue raining n how to arge and obable citation, red cobable citation, red obtain o ID	2008 YTB	3539 charged 2231 63%
October 2008 Prosecutors draft form at the request of BPD to document reason for citation dismissals.  February 2007 Prosecutors continu in-service training sessions on how to properly charge and write the probable cause in a citation, and the printed pocket cards distrib- uted, stressing that police must obtain proper photo ID when issuing a criminal citation.	Z00Z	11, 100 charged 7422 NP 67%
January – November 2005  Sell call training initiated and pocket card printed. All BPD patrol officers received training.  2006 2-hour workshop every Wednesday morning from 8-10 AM to front line patrol for a total of 45 weekly in-service trainings from January through November, Trainings included report writing and how to testify in Court.  2006 – Police Training provided with 100 examples of why citations were dismissed and 15 examples with written explanations.  Police suggest database to help analyze problem.	2006	15, 125 charged 11,676 NP 71%
R R R R R R R R R R R R R R R R R R R	2002	16, 551 Charged 11,571 NP 70%
2004 train deve Pros 2005 2005 1	2004	<u>ends</u>
orted  November 2003 Presentation by SAO to Police Command Staff at Comstat.  October 2003 Criminal Citations from the Western, Southwestern and Northwestern and Northwestern Districts combined to create a Wabash Citation Docket.	2003	<b>ns</b> Statistical Trends
May 2003 SAO Reported to CJCC high number of Citations Nol Pros.  2002 Criminal Citations Added to Early Resolution Docket.  Fall 2002 CJCC accepts Clyburn report and reviews recommendations and adding criminal Citations from the Central, Northeast, Southeast and Eastern Districts to ER dockets, renamed Early Resolution Court (ER).  Spring 2002 CJCC requests a study of the effectiveness of the Early Disposition Court to be chaired by Judge B. Clyburn.	2002	Criminal Citations
May 20 Citatio Citatio 2002 Criminal C Added to Early Lion Docket.  Fall 2002 CJCC accepts Clyburn report and reviews recommendations and suggested changes including adding Criminal Citations from the Central, Northeast, South east and Eastern Districts to ER dockets, renamed Early Resolution Court (ER).  Spring 2002 CJCC requests a study of the effectiveness of the Early Disposition Court to be chaired by Judge B. Clyburn.	2001	Crimin
State leaders work nore Committee to e Community Court IY Manhattan Com- a goal to process September 2000 Early Disposition Court estab- lished full-time in Eastside District Court (North Avenue).  Summer 2000 - Plans for Community Court quietly shelved. ewly elected veils proposal	2000	
a gc ewly weils Dispp	1999	
	1998	Contact us:

154% decrease in total numbers charged in 2008 over 2007)

mail@stattorney.org Contact us:

## **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 (Article19-20) 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 1/2 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.

<u>Loitering of Front of Liquor Store</u> 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; 1<sup>st</sup> time 30 days or \$100; 2<sup>nd</sup> 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 <u>Disorderly Conduct</u> CR §10-201; 60days or \$500

Most common reason for nol pros:

Only the statutory language

Appears on the citation – no factual basis

provided

 $\frac{\text{Theft}}{\text{CR 7-104}}$ Less than \$100 = 90 daysLess 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 2<sup>nd</sup> Degree

Most common reason for nol pros:

illegal charging document