

The Sun

**Crime rate steadily dropping  
But statewide rate has increased since 1984  
'One of the safest places'  
Judges can have little direct effect, some experts say**

by This article was written by Sun staff writer Dana Hedgpeth with additional reporting by Sun staff writers Caitlin Francke, Shanon D. Murray and Craig Timberg. The Baltimore Sun

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The two challengers in the Howard County Circuit Court race -- Jonathan Scott Smith and Lenore R. Gelfman -- have campaigned hard in recent weeks with a get-tough-on-crime message, arguing that crime is rising and tougher judges can stem it.

But two decades of crime data show that Howard's per-capita crime rate has been steadily dropping. And some legal experts say that judges, no matter how tough, can have little direct effect on the rate of crime.

A Sun review of county and state crime data from 1975 through 1995 shows:

While the total number of crimes has increased since 1975, the county's mushrooming population has steadily pushed down the crime rate since 1986. By contrast, the statewide crime rate -- the number of crimes per 100,000 residents -- has risen since 1984.

Compared with Baltimore and seven populous Maryland counties -- Anne Arundel, Baltimore, Carroll, Frederick, Harford, Montgomery and Prince George's -- Howard County's crime rate in 1995 was the fourth lowest after those of Harford, Frederick and Carroll.

In 1995, Howard's property crime rate was fourth-lowest among those nine jurisdictions and its violent crime rate was the second-lowest.

In the first half of this decade, serious crimes in Howard -- which include murder, rape, robbery, aggravated assault, breaking and entering, theft and motor vehicle theft -- increased about 9 percent, while the county's population grew by 14.5 percent. Statewide, serious crimes increased by 14 percent in those years, while Maryland's population grew by 5.5 percent.

In the same period, violent crime in Howard went up about 7 percent, again lagging the county's rate of population increase. Statewide, violent crime rose 13 percent in the same period.

'Better off'

"The reality of crime is there's not as much as people believe," said Sgt. Steven Keller, a police spokesman. "People think crime is worse than ever in the '90s, but the numbers actually show that people are better off than they were 20 years ago. There's a stark difference between what's reality and what people see, hear and read. Howard County is still one of the safest places to live."

To be sure, county police in the first half of this year recorded a huge jump in violent crimes against people. Murders, rapes, aggravated assaults and robberies rose 77 percent over the first half of 1995. But police spokesman Keller also attributes that to the county's rapid growth.

Crime has become the central issue of the Gelfman-Smith campaign to unseat appointed Circuit Judges Diane O. Leasure and Donna Hill Staton in the Nov. 5 general election. The issue has been carried primarily by the challengers, but even their opponents have been goaded into talking tougher on the crime issue.

Smith, unrestrained by the ethical canons that restrict comments by the two sitting judges and his running mate, District Judge Gelfman, has been foremost in carrying the tough-on-crime banner for the challengers' ticket.

In his campaign literature, the Ellicott City attorney says crime is rising and calls for tougher sentencing.

In a television ad, Smith, a criminal defense attorney and civil litigator who once served as a prosecutor, also says residents have lost faith in the courts because too much protection is given to criminals.

His running mate, has been less vocal on the crime issue. But in a TV ad, she talks about handing out "long, lengthy sentences" in certain situations.

"Everybody is fed up with the court system," Smith told a crowd in Elkridge last month as he held up a stack of newspaper stories about violent crimes. "I think people think it has failed us. And enough is enough."

#### Fear of crime

He argues that the county's per-capita crime rate is falling only because rapid growth in western Howard, which has little crime, has watered down the overall rate. The crime rate in Columbia and Ellicott City, he says, is increasing -- though police do not break out crime data for specific areas of the county.

Fear of crime also has increased, he says -- a claim backed by recent Sun interviews with more than 90 potential voters across the county.

"That's why it's so important to get out of the statistics book and get out on the street," Smith said, adding, "This isn't a figment of their imaginations."

And in his campaign, Smith has vowed to address these fears by attacking crime from the bench -- with use of such tough sentences as the death penalty for "heinous murders," life imprisonment without parole, and mandatory, no-parole prison terms for repeat offenders.

But contrary to this campaign theme, legal experts say that judges have limited ability to reduce the level of crime in communities.

"Judges can't impact crime nearly to the extent {Smith} is suggesting," said Brian Forst, professor of justice and law at American University in Washington. "A judge's job is to interpret the law, not be cops."

Added Faye Taxman, criminology professor at the University of Maryland at College Park: "Incarceration has minimal effect on a crime problem. Death penalty and life imprisonment are all for extreme cases that have little impact on daily crime like shoplifting and burglaries."

#### Power constrained

Judges' main tool to affect crime is sentencing, experts say. But, they say, even that power is constrained by laws -- which set maximum sentencing limits for crimes -- and sentencing guidelines.

There is no requirement that sentencing guidelines must be followed, but "most judges do," said Charles Wellford, professor of criminology at the University of Maryland at College Park. The guidelines "represent a collective wisdom of judges," he said. "And when there is a serious crime, almost every judge will look at the guidelines."

Moreover, many criminal cases end with plea agreements between prosecutors and defense attorneys, agreements not often changed by judges.

As for death penalty cases, in Maryland these are most often decided by juries, not judges, because the defendants usually opt for jury trials. Maryland judges also have no say over parole matters, which are up to a seven-member commission.

Wellford said judges should aim for prudence more than toughness. "To use a medical analogy, if what one needs to cure an illness is one shot, seven shots won't be more effective," he said. "A judge must find a sentence that has the most protection to the community, but isn't so excessive."

In fact, that is the approach that Smith's running mate -- Judge Gelfman, who has not campaigned as hard on the crime issue -- says she uses in sentencing.

"The prosecution wants the toughest sentence," Gelfman said in a recent interview. "The defense wants the lightest. I, as a judge, want the most effective."

#### Reputations for toughness

But Smith argues that judges have wide latitude over many types of criminal cases. And he said that judges and court systems can gain reputations for toughness -- by frequently handing out maximum sentences and rejecting lenient plea agreements -- and that then can inhibit criminals.

"Lawyers are always trying to jockey their cases to get in front of the more lenient sentencers," Smith said. "Word spreads in the criminal community which judges are tougher sentencers and which ones are not."

"I don't think Howard County is known as being populated by a bunch of tough sentencers," Smith said.

While this campaign theme does not jibe with experts' views on the limited role of judges in attacking crime, it resonates with the rising fear of crime in Howard, according to recent interviews with residents.

"I'd like to see stiffer penalties for criminals," said Bob Erb, 46, of Columbia's Harper's Choice village. "Make them serve their whole time, also."

In Glenelg, Carol Williamson, 51, said she'd also like to see tougher judges. A few months back, someone stole the wheels and tires off her husband's truck. "I think very much that {judges} are too liberal," she said. "I know our jails are overcrowded, but something has to happen."

Security system dealers say they're getting warm receptions in many of the county's newest neighborhoods, where burglar alarm systems have become as standard as air conditioning.

"The crime rate is going down, but people hear about shootings, robberies, break-ins and they don't want to be one of those statistics," said Lee Mullineaux, general manager of Westminster Security and Columbia Alarm Co., based in Westminster.

In Columbia, sales by Austronic Security Systems Inc. have tripled in the last five months, in part because of falling prices, said Rick Brokaw, Austronic's general manager. "Protecting their homes is the No. 1 thing on people's minds," he said, "and that's creating lots of business for us."

But the booming business of alarm systems is causing a sharp rise in the number of false alarms in the county -- an average of 55 calls a day for police officers to investigate and a rapidly increasing expense for the department.

Perhaps nowhere in Howard County is the gap between perception and reality greater than in the county's western end, where there is little crime but many residents invest in protection.

In the first nine months of this year, western Howard had about 60 burglaries -- less than 10 percent of the county's total for that period.

"If you have two or three burglaries out there, it really stands out," said police Officer Joseph Baran, who has patrolled the area for five years. "What we get for one day in Columbia or Ellicott City can be a week's worth of calls in the western end."

Many residents, however, worry about crime.

"This may be a rural area with hills of green and lots of farmers still left, but it's no different than anywhere else," said Joyce Setzer, 48, of West Friendship. "We're all potential victims of crime that's a sign of the times."

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Caption:  
PHOTO  
GRAPH 1  
GRAPH 2

Caption: Challengers: Jonathan Scott Smith, a lawyer, and Judge Lenore R. Gelfman have campaigned with a get-tough-on-crime message. Howard's falling crime rate Howard and statewide crime, then and now

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Maryland State Police Uniform Crime Reporting statistics, SUN STAFF Maryland State Police Uniform Crime Reporting statistics,  
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