

The Sun

**GETTING AWAYS WITH MURDER**

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On Feb. 14, The Sun published "Getting away with murder," a two-page editorial that called for the repair of Baltimore's broken criminal justice system. The editorial also made other specific recommendations aimed at reducing the city's number of murders, which has topped 300 for nine years. We invited officials to respond to the editorial and its recommendations. These are the responses we received.

Parris N. Glendening and Kathleen Kennedy Townsend

Most Maryland residents are enjoying lower crime rates. But in Baltimore, Maryland's largest urban center, the criminal justice system is in crisis. While various interested parties continue disputing accountability for backlogged cases, felons continue to be released to the streets.

When we read in The Sun about the backlogs and delays and dismissals in the court system, our first reaction was, "What if someone in my family was the victim of a terrible crime and we were forced to watch the person responsible go free because of an overwhelmed bureaucracy?"

There is no more time for blame, and no more time to wait for long-term solutions. We must all take responsibility and act decisively now.

Already our budget provides \$383,000 for additional prosecutors, and we will submit an additional \$128,000 so they can begin tackling the backlog of felony cases immediately.

Although funding for Circuit Court buildings and other infrastructure is a local function, under these urgent circumstances we are prepared to fund temporary court facilities.

All of the city's elected officials, judges, prosecutors, defense attorneys, clerks, administrators and other state and local agencies - including the state-operated Central Booking and Intake Center - must work together to devise a comprehensive management plan that addresses challenges facing the system.

Ultimately, the success of the courts depends in large part on our ability to cut crime and drug addiction, which fuel the large number of cases clogging the dockets.

Parris N. Glendening and Kathleen Kennedy Townsend are governor and lieutenant governor of Maryland, respectively.

Patricia C. Jessamy

Your editorial concluded that Baltimore's high homicide rate is due to a "breakdown of the normal defenses put into place to protect a city's residents: police, prosecutors, courts and corrections institutions."

While I agree that the criminal justice system is seriously malfunctioning and we all share some of the blame, crime in general - homicides, specifically - are the result of far more complicated failures than the criminal justice system.

As a community, we must invest resources in prevention, drug treatment and early intervention for at-risk youth.

While law enforcement is a response to crime, it can and should be more proactive and offensive rather than reactive and defensive.

You acknowledged that David Kennedy has been working in Baltimore for the past 10 months as a part of the Safe and Sound Campaign, a multi-million-dollar drive to create a safer environment for children and youths. What you failed to report is that I am heading the Youth Gun Violence Reduction initiative.

I have assembled a team of representatives of law enforcement and criminal justice agencies to work for the success of this initiative.

Over the past 10 months, many changes have been implemented, resulting in greater efficiency and effectiveness as we deal with violent criminals.

Your editorial points to "turf fights," but you did not acknowledge that we are all working together on this very critical criminal justice initiative.

Your editorial concluded that because arresting police officers generally decide what charges the defendant will face that many officers are overcharging suspects and that prosecutors need to become involved in charging.

The Baltimore State's Attorney's Office does charge criminals at the Circuit Court by way of criminal information or indictment. We have nine attorneys who screen felonies at the District Court and handle preliminary hearings.

Were these attorneys not so assigned, the problems would be much worse. While I support prosecutorial charging, I also believe that a rule change is necessary.

The issue of what happens to defendants who are brought into the Central Booking and Intake Center after an "on view arrest" by police presents numerous legal challenges that Maryland Rule 4-211 does not address. The rule states "when a defendant is arrested without a warrant, the officer who has custody of the defendant shall forthwith cause a statement of charges to be filed."

There are no provisions in the rule or imposed by law that allow prosecutorial review or alteration. A proposal is being prepared that would permit prosecutors to charge suspects. If approved, additional staffing and funding would be necessary. "funnel," where only those matters that need to go to trial are scheduled for trial.

There are no simple solutions to complex problems, but there should be short-term and long-term solutions to the very complicated problems of our criminal justice system. Long-term solutions should be well thought out and strategically planned with timetables for design and implementation.

Short term, we must reduce the backlog and put procedures into place that prevent violent criminals from being released because they did not get a speedy trial.

The State's Attorney's Office is committed to doing that. The courts have agreed to give violent criminals priority for trials and we will make sure this happens. We have also implemented other measures to reduce postponements, to monitor cases more closely and to bring cases to quicker resolution.

Patricia C. Jessamy is state's attorney for Baltimore.

David B. Mitchell

"The criminal caseload in the Circuit Court for Baltimore City has increased significantly in the last 10 years. In 1989, 14,352 criminal cases were filed. Last year, almost 25,000 were filed, an increase of over 72 percent. In 1989, there were 4,951 new felony defendants. In 1998, there were 8,504, an increase again of more than 70 percent. Eighty percent of these felony cases involved drugs."

This is the assessment Chief Judge Robert M. Bell gave in his State of the Judiciary address. All members of the criminal justice system share responsibility for the problems existing today, and we need to find solutions - not engage in counterproductive debate about who is responsible.

We have implemented a stricter postponement policy, centralized arraignment of felony cases to encourage expedited pleas and early case terminations, and expanded the use of retired judges to resolve the oldest cases first. Already, our new policies have reduced case backlog by 8 percent, and defendants awaiting trial by 7 percent.

They have also increased jury trials, expanding the number of citizens called for jury service from 450 to 600 daily. Beginning March 1, 40 percent more days will be available for criminal trials, due to the revamped arraignment process. This will further reduce criminal cases awaiting trial.

The court is working to improve its case management efficiency. For example, we reinstated the practice of maintaining a list of cases that are ready for trial on the date assigned, but cannot proceed immediately. The status of the trial courts is continually reviewed, and cases from this list are moved into open courtrooms, as they become available.

We attribute our short-term accomplishments to dedicated judges, court personnel, the State's Attorney's Office, the Office of the Public Defender, the private bar and the criminal justice system's cooperation.

Increased case management efficiency alone will not alleviate the backlog of pending criminal cases, nor prevent it from growing. We must address the overwhelming drug-felony caseload in our court.

The newly formed criminal justice coordinating council met Feb. 17 to discuss additional solutions. From this council will come a dynamic strategic plan for the criminal justice system's future needs.

While the judiciary will rely on the coordinating council's recommendations, we recognize that the problem is the judiciary's to solve. We will pursue offers of funding and other assistance benefiting all members of the criminal justice system, ensuring accountability to, and instilling confidence in, the public we serve.

Circuit Judge David B. Mitchell supervises Baltimore's criminal docket.

Kurt L. Schmoke

The homicide problem in Baltimore is complex and long standing. Two factors must be kept in mind before one attempts to reach any conclusions about the policy initiatives that should be implemented to help solve the problem.

First, there have been only two years since 1970 in which there were fewer than 200 homicides in Baltimore. That means that even in the years before the crack epidemic gripped this area, a violent subculture existed that viewed resolving problems through force as a first resort rather than as a last resort.

Second, the City Health Department estimates that 59,000 drug addicts reside in Baltimore. This means that approximately 1-in-8 adults in the city has a serious substance abuse problem and this factor translates into a wide range of other anti-social behaviors that contribute to the homicide problem.

Such a complex problem requires a multi-pronged strategy. Public health, criminal justice and court reform all have a role to play. Continuing and expanding the Health Department's drug-abuse control policy is crucial to bringing down the homicide numbers.

Adopting innovative policing strategies, such as those used in Cleveland that increase police presence on the streets at times that are less predictable by criminals, are also useful. I recommended the use of Cleveland's traffic-stop policy after a visit to that city last year. This intervention contributed to Cleveland's recording only 77 homicides in 1997.

Finally, making the court system in the city the most efficient possible is essential to this effort. That is why it is relevant to restate the argument favoring a long overdue reform - the state takeover of Baltimore's Circuit Court.

Most of our citizens are not aware that state government pays for all levels of the court system, save one, the Circuit Court. This is an antiquated funding structure that makes it more difficult for the justice system to speak with one voice and, of course, to bring about the kind of systemic reforms that will be necessary to resolve some of the problems we now face.

When the relative wealth of a particular jurisdiction impacts the level of funding for the courts, this has a direct impact on the quality of justice citizens receive.

Although we understand that the politics are not easy, the city administration has argued the policy rationale supporting the state assumption of the costs of the Circuit Court for the past 10 years.

Our argument continues to be that the court system can improve with a combination of management reforms and additional resources.

Finally, Baltimore is taking a multi-pronged approach to resolving its crime problem - and meeting with a great deal of success. Overall, violent crime in the city has declined substantially since 1994.

In addition, we have and will continue to try new strategies to attack the discrete and persistent problem of homicides. Once we have all aspects of the criminal justice system working together, we will see the kind of results that our citizens expect and deserve.

Kurt L. Schmoke is mayor of Baltimore.

Thomas C. Frazier

Over the past five years, the Baltimore Police Department has been firmly committed to reducing incidents of violent crime, removing violent offenders from our communities and improving the overall quality of life here.

With active citizens as our partners, we are making significant progress in diminishing our city's crime rate and forging many positive changes in our neighborhoods. During the past three years alone, incidents of violent crime have decreased more than 25 percent, and overall crime is at its lowest point this decade.

While these are positive indicators, clearly our work is not finished. Most people are familiar with the problem, violent crime driven by a drug subculture largely targeting its own members.

Working within a system stretched beyond capacity, our courts are struggling to manage a greater number of arrests. I continue to support justice system changes. Criminals must be held accountable to effectively decrease violent crime.

I have been, and remain, supportive of reforms such as prosecutors taking over the criminal charging function, night court and arraignment court.

The shift in the charging function will clearly streamline the criminal justice system. Night and arraignment courts are a must. More violent offenders are being arrested, and we cannot afford a backlog anywhere in the criminal justice process. This urgent issue is now receiving statewide attention, and elected officials, legislators and criminal justice leaders are working together toward positive reform.

One of the most important elements in reducing violent crime revolves around effective drug treatment. More treatment slots are needed for those individuals who rely heavily on crime to support their addictions. Unquestionably, crime in Baltimore is narcotic and addiction driven. With the highest addiction rate in the country, effective drug treatment must be a part of the long-term solution for Baltimore.

The approach to continue Baltimore's crime reduction is clearly a three-pronged one: effective enforcement, swift prosecution and adjudication as well as additional prevention and treatment opportunities. Now is the time for unwavering commitment, teamwork and positive change.

Thomas C. Frazier is Baltimore police commissioner.

Martha F. Rasin

The Sun has proposed that I institute measures to allow appeals of District Court cases to be based on previous court records to avoid repeated trials. Unfortunately, the required statutory change has repeatedly failed in the legislature. Although it could be quite expensive to implement, the District Court has endorsed the change you recommend.

I agree that the District Court should stop requiring that jury requests be made at trial. Ironically, we started the practice at the request of the Circuit Court to help reduce its caseload. Rather than making unilateral changes that would cause chaos for the Circuit Court, several months ago, I went to the Courts' Rules Committee and asked for a safety net rule before I end the practice, and that should be completed soon.

I disagree that the District Court's reluctance to move a judge from a busy courtroom in the courthouse into an isolated courtroom in the jail is evidence of a "turf battle."

Since the Central Booking and Intake Center opened, there has been continuing cooperation to expedite District Court cases for jailed defendants. Nearly every agency believes that we have had tremendous success and that we are operating at maximum efficiency.

Because our goals are not identical, we will not always achieve full satisfaction.

The District Court's mission is to resolve all cases fairly and promptly. We have not wanted to sacrifice that goal to save the money gained from empty jail beds. We have offered to hear expedited cases five days a week in our courthouses. To date, only two days have been needed.

While we lament the recent problems in Baltimore, we might also note what is positive. Jailed defendants in Baltimore wait less time for their District Court trial dates than in almost any county in Maryland. And nowhere else in the state is there a higher level of cooperation among the entities working to handle misdemeanor criminal cases than that which exists in Baltimore.

Martha F. Rasin is chief judge of the District Court of Maryland.

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