



REPORT
OF

Maryland
CO

STATE'S ATTORNEY'S OFFICE

OF

BALTIMORE CITY

Under the Administration
of
MILTON B. ALLEN

JANUARY 1971
to
JULY 1974

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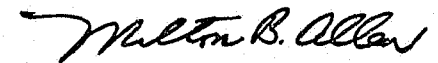
MILTON B. ALLEN
State's Attorney of Baltimore City

FOREWORD

The prosecutor's office has finally begun to achieve its proper position in the law enforcement spectrum. The immense, rapid-fire changes in the criminal law during the past twelve years have enmeshed the prosecutor's function and the police function so completely that a different type of prosecutor is beginning to emerge. We are beginning to see visions of the completely professional prosecutor, free from political entanglements and able for the first time to administer the tremendous power of the office truly for the vigorous prosecution of the guilty, as well as the vigorous protection of the innocent.

I regard the prosecutor's office as the core of the justice system, making that system good or bad, professional or non-professional, progressive or non-progressive, according to the amount of input the chief prosecutor is willing and able to make. An aggressive, progressive, professional prosecutor can eventually influence the entire justice system and gradually cause to be brought about the type of law enforcement originally envisioned by the founders of this nation. Weak, ineffective prosecutors will easily fall into the trap of selective law enforcement which can do little but exacerbate an already distressing problem.

Much of what is needed to shape a good office has been accomplished during the past three and one-half years. The foundations exist for the establishment of this office as one of the leading offices in the country. Indeed, some persons now see it in that light. I am immensely proud of the progress we have been able to make during this short period of time. What we have done, how we have accomplished it and where we think the office should be going is set out in this report.



Milton B. Allen
November, 1974

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INTRODUCTION

This is the first formal report of the State's Attorney's Office of Baltimore City under the administration of Milton B. Allen. An informal report was issued on March 5, 1973, to the Judges of the Supreme Bench of Baltimore City which summarized workload and performance for 1971 and 1972. However, that report concentrated on the operations of the Criminal Court and did not deal with all functions of the State's Attorney's Office.

The last formal report of the Office was issued by State's Attorney Charles E. Moylan, Jr., who was appointed an Associate Judge of the Court of Special Appeals of Maryland in July 1970, and covered office operations in calendar year 1968. In order to provide continuity of reporting, this report will also include statistical information for the years 1969 and 1970, as well as for the period of January 1, 1971 through June 30, 1974, the first three and one-half years of Milton B. Allen's administration.

From "Crisis in the Courts" to National Prominence

The quintessence of reporting on the present is to know the past. A report of the present prosecutor's office in Baltimore would not be complete without reference to the critical problems facing the office in the past. The last report of State's Attorney Moylan, written in the fall of 1969, was entitled "Crisis in the Courts" and dealt with such perplexing problems as the over-crowding of the City Jail, 7,000 criminal indictments and 1,500 appeals from the Municipal Court awaiting trial, grand juries producing an anticipated 9,000 more indictments by the end of 1969, only five part-time prosecutors for a Municipal Court handling 50,000 charges per year, only four legal stenographers to assist 42 full-time prosecutors whose average tenure was only thirteen months and a salary scale well below that of two neighboring county prosecutors' offices!

Others involved in the criminal justice system of Baltimore City writing in the fall of 1969 would probably have been less charitable than State's Attorney Moylan. Criminal justice in Baltimore was part of the national scandal which depicted antiquated court systems ill equipped to deal with the rising crime rates in the big cities. Intolerable trial delays, desperate plea bargaining by understaffed, inexperienced prosecutors with no chance to adequately prepare cases and courts jammed with unreasonable dockets were only a few of the symptoms plaguing Baltimore as well as other major cities. On an ominous note State's Attorney Moylan said, "The criminal courts and the prosecutors' offices have for decades been the neglected and forgotten step-children in the law enforcement system. We now represent the bottleneck that could cause that system to collapse."

It has been five years since State's Attorney Moylan looked alarmingly at his office as it stood on the brink of collapse. It is safe to say that he would not recognize it if he stepped down from the bench and assumed his former role. He would see the following:

As of July 1, 1974, as reported by the Criminal Assignment Office, there were only 2,064 open indictments and criminal informations representing 1,157 defendants awaiting trial in the Criminal Courts. Sixty-one percent (61%) of these had trial dates while the remainder were in the early stages of processing;

As of the same date, there were only 522 appeals from the District Court (formerly the Municipal Court) representing 255 appellants awaiting trial. All but 50 of these appellants had trial dates assigned;

The above figures compare favorably with the overwhelming workload cited by Mr. Moylan in 1969, particularly when it is noted that arrests have not declined and Criminal Court trials are utilizing more court time due to the steadily increasing number of jury trials;

There are now 16 full-time prosecutors assigned to the eight courts of the District Court and the total staff of the office numbers 97 full-time prosecutors and 71 clerical and administrative personnel;

The average tenure of the Assistant State's Attorneys is now well over two years and the 40% annual attrition rate experienced during the Moylan administration has been reduced to a 15% rate projected for 1974;

The average salary of an Assistant is now \$16,355 compared to \$12,907 which was the average salary at the start of the Allen administration. Clerical salaries have also been increased 21% in the last four years so that the average clerical-administrative salary in the office is now at \$8,041.

Although the above are noteworthy, the greatest changes in the Office during the last four years have been made in the management, case processing and investigative functions. A staff of 168 personnel with an annual budget of \$2.7 million and many diverse functions demands business management procedures and cannot operate under the unstructured law firm approach practiced in prior administrations. With due respect for the legal profession, the administration of justice is too important to entrust solely to lawyers and judges. Lawyers simply do not have the training and experience to manage large operations with high volume and complex workloads. Their forte is in the courtroom. Moving caseloads through a system under the constraints of complicated rules of procedure is the function of business managers trained in the techniques of industrial engineering. This is the distinguishing characteristic of State's Attorney Milton B. Allen's administration which has won for him and his office national recognition among prosecutors.

In March 1974, the National Center for Prosecution Management, an arm of the National District Attorneys Association, sent a team of experts

to Baltimore to evaluate the State's Attorney's Office. The National Center had conducted over 50 such visits to prosecutors' offices throughout the nation, many to comparable offices the size of Baltimore's. The following are some excerpts from its published report entitled, "Report of Technical Assistance Visit to the State's Attorney's Office, Baltimore, Maryland, March 25-27, 1974:"

"Delegation of Authority

State's Attorney Milton Allen has done an outstanding job of organizing his office and delegating responsibilities to his staff members. Such delegation of authority is imperative in a jurisdiction of Baltimore's size. The State's Attorney's time is better used in developing new programs, coordinating current operations with other government agencies, reporting on his office's operations to the various segments of the community, and conducting other activities requiring his personal attention, than in conducting personally the daily operations of prosecution in each of the 31 courts for which he is responsible. Mr. Allen has established an efficient staff structure, which has placed the Deputy State's Attorney (Steve Montanarelli) virtually in charge of the daily operations of the Office. One Assistant has been made responsible for the administrative affairs of the office, and another monitors the Office's fiscal condition. Division heads have been appointed for each of the specialty units as well as for the regular criminal trial units. There is a clear line of responsibility from the State's Attorney through his First Assistant to the various division heads, and beyond them to the trial court team leaders who are completely responsible for the functioning of their respective units in their assigned criminal courts. The team captains must approve all plea bargains, and they regulate the amount of discretion in handling cases which is afforded the other attorneys on their teams. Policy and training manuals have been written, and a training director (who is the Assistant Chief of the Criminal Division) has been appointed. *The organizational and training structure of this Office is one of the best that has been observed by the National Center and is an excellent model for medium and large sized prosecutor's offices throughout the country.* (emphasis supplied)

"Police—Prosecutor Relations

A variety of police officers were interviewed, ranging from police sergeants to the deputy police commissioner of Baltimore. Every patrolman and police official interviewed was highly complimentary of the State's Attorney's operation and was very pleased with the performance of Mr. Allen as State's Attorney. All of those interviewed described the police—prosecutor relations in Baltimore City as excellent. . . . Specific praise was voiced for the Violent Crimes Unit and the Narcotics Strike Force in the Office. Both of these units are comprised of a combined Assistant Prosecutor and police staff. . . . The Technical Assistance Team would like to commend Mr. Allen in the conscientious effort he has made to improve and maintain the police—prosecutor relations in Baltimore City.

"Career Prosecutors

. . . the State's Attorney's Office of Baltimore City has made great strides in recent years both operationally and fiscally, and it is to be highly commended for the quality of prosecution which it represents. Innovative procedures have been instituted, such as the Felony Complaint Division, the Violent Crimes Liaison Unit, and the specialty units. Special attention must be paid to those innovations in order to insure their continuing success. *Considering the financial resources and personnel available, the State's Attorney's Office of Baltimore City is one of the best urban prosecutorial operations that N. C. P. M. has observed.* (emphasis supplied)

"Administration

The administrative operation of the State's Attorney's Office in Baltimore City is one of the best that has been observed by the National Center. . . .

"Paper Flow

The paper flow through the Office is very well organized and runs fairly smoothly. . . . The State's Attorney is aware of the management potential and value of this type of mail control operation, and the Office has reaped substantial benefit from its implementation. This is an ideal mail control system, of which the Technical Assistance Team highly approves. . . .

"Filing Procedures

The filing procedure and files of the State's Attorney's Office are models of efficient administration. *The file control and security within the Office is excellent.* . . . (emphasis supplied)

"Statistician

Within the Administrative Division, a statistician is employed who is doing an extremely efficient job of maintaining a great variety of statistical data in the Office's operation. . . .

"Training Program

. . . One of the most fruitful products of the training program has been the development of a series of office manuals, describing in detail the office procedures and operation. There are extensive and complete manuals for: 'Training and Procedures,' 'Administrative and Clerical Procedures,' 'Jury Instructions,' and a 'Charge Book.' These manuals are extremely well developed and provide a model of procedures and policies.

"Conclusion

. . . The team members were impressed with the energy and dedication of the State's Attorney toward improving the criminal justice system in Baltimore City, Maryland."

I. THE BUILDING OF A PROFESSIONAL OFFICE

The Office which the team from the National Center for Prosecution Management saw in March 1974, was not constructed overnight. It has been four years in the making at a cost of 2.8 million dollars in federal funds from the Law Enforcement Assistance Administration (LEAA), U. S. Department of Justice, and an average yearly appropriation for those four years of 1.5 million dollars from the City of Baltimore. The \$2.8 million in federal funds includes \$674,821 in the current budget for fiscal year 1975.

Baltimore was one of the first prosecutors' offices in the country to realize the potential of the Omnibus Crime Bill of 1968, which created LEAA to funnel federal funds to local jurisdictions for the improvement of law enforcement. As early as 1969, the State's Attorney's Office was applying to the Governor's Commission on Law Enforcement and the Administration of Justice for grants to staff the Municipal Court with full-time prosecutors and improve the administrative functions of the Office. In fiscal year 1970, the office budget was \$764,033 as compared to \$2,722,665 for the current fiscal year 1975. This buildup in resources could not have been accomplished without federal funds. However, it is to the credit of the administrations of Mayors Thomas J. D'Alesandro, III and William Donald Schaefer, who during the last four years have recognized the need for a professional prosecutor's office and have agreed to match the federal funds with City money. In Maryland, no federal funds from LEAA can be allocated unless the chief executive of the local jurisdiction approves the grant application and *agrees to continue the program with local funds after three years of federal funding.*

Any practitioner of federal grantsmanship realizes that granting federal funds to an organization is futile unless the office managers have the imagination and administrative abilities to conceive and implement programs. Once implemented, the final test in Baltimore is whether the grantee, in this case the State's Attorney's Office, can prove to the city administration that the program is working and to continue funding it with city money. This has been accomplished for the following ten programs implemented during the Administration of Milton B. Allen.

1. Full-Time District Court Prosecutors

An initial federal grant of \$150,000 was received in July 1970, to staff the nine misdemeanor and preliminary hearing courts of the District Court in Baltimore with eighteen full-time prosecutors. This was the most important of the many office requirements at that time since there were only five part-time prosecutors to prosecute the tens of thousands of misdemeanor and felony charges being placed by the police in these courts. Actually, there were only four part-time assistants since one was being used exclusively for the Housing Court.

Full implementation of the program was not achieved until the Allen Administration took over in January 1971, when all of the prosecutors were finally hired and procedures were developed under the supervision of Assistant State's Attorney James J. Welsh. Mr. Welsh was recently appointed by the Governor to become a judge of the District Court after supervising District Court prosecutors under both the Moylan and Allen administrations.

The District Court Prosecutors Program has not only brought full-time prosecutorial services to the police and victims of crime into the busiest court in Maryland, but it is also a vital link in the screening of felony charges referred to the Criminal Court. Prior to this program there was seldom a prosecutor present at a preliminary hearing of a felony charge to determine if the case warranted further prosecution as a felony.

In addition, the State is now represented by prosecutors in the two parts of the District Court reserved for the trial of drunken driving cases and other serious traffic violations. Conviction rates in these cases are now at 86%!

2. Office Management

The need for improving the administrative structure of the Office was documented in a 1969 report by the Baltimore Criminal Justice Commission entitled, *Survey Analysis of the Organization and Operation of the Baltimore City State's Attorney's Office.* Its report defined in depth the administrative functions and procedures required to operate an effective office. The Report also detailed the shockingly inadequate resources of manpower, equipment and space to manage an office so important to criminal justice.

These needs were met by a series of federal grants received in 1970 and 1971, which enabled the Office to:

- a. Develop the position of Office Administrator to supervise all administrative functions, perform management analysis of operations and develop new programs to meet office needs;
- b. Develop training and procedural manuals for both the professional and clerical staffs;
- c. Purchase dictating equipment for an office of 47 lawyers with not a single usable piece of such equipment;
- d. Purchase 55 file cabinets to replace the 10 dilapidated cabinets and cardboard containers used for office files;
- e. Purchase an automatic typewriter for processing indictments and juvenile petitions.

Shortly after taking the oath of office in January 1971, as the twenty-third State's Attorney of Baltimore, Milton B. Allen recognized the importance of a strong administrative staff. He elevated the Office Administrator, Stephen Montanarelli, to the position of Deputy State's Attorney for Administration and delegated to him the authority to supervise personnel administration, planning and financial control, correspondence control, files and records management, performance analysis and work simplification, and all other administrative services. He then placed all responsibilities for legal matters under the Deputy for Operations, Benjamin L. Brown. Under these two deputies, the present organizational structure and operational procedures lauded by the National Center for Prosecution Management were developed.

3. Training and Internship Programs

Approximately one-half of the present professional staff is composed of prosecutors who obtained their initial training in the Office by participating in federally funded internship programs while still in law school. The Office has recognized that the best way to develop career prosecutors is to generate interest in prosecution among law students and cultivate them for its future recruitment requirements. Each year 15 to 20 hand-picked law students participate in a summer internship program in the Office for ten weeks. During their internship they are assigned to most of the operating units to assist prosecutors and learn office procedures.

In addition, there is a federally funded program to provide seven full-time law clerks primarily law students taking evening courses, to answer pre-trial motions, perform research and assist in various other legal functions of the Office. These students are promised jobs upon their successful completion of the bar examination.

Although not federally funded, the Office also has working agreements with the University of Maryland and the University of Baltimore Law Schools to provide part-time interns with clinical experience in the Office during each school semester.

These programs have been supervised by the Office Training Director, Sandra O'Connor, since 1972, and she has been primarily responsible for the high caliber graduates of these programs who have been selected by the Office to become prosecutors.

4. Juvenile Court Prosecutors

One of the most important, but long neglected, functions of the State's Attorney's Office is to prosecute juveniles accused of crimes. In 1970, the Supreme Bench of Baltimore obtained federal funds to expand the Juvenile Court to eight parts with five more masters and additional prosecutors.

In 1971, a federal court decision raised the juvenile age in Baltimore from 16 to 18 which made thousands of 16 and 17 year olds subject to

juvenile jurisdiction. Subsequently, Milton Allen raised the juvenile unit in the prosecutor's office to division status and with Howard Merker as its Chief, proceeded to develop a first class juvenile prosecuting organization. In the past three years some of the most difficult and complex legal problems have been litigated by this Division which also serves as a training ground for new prosecutors.

5. Felony Screening

Baltimore is one of the last remaining big city jurisdictions in which charges are placed by the police or result from warrants issued by judicial officers. Since there was no effective screening by prosecutors prior to 1971, the felony courts were clogged with thousands of cases which were either unprovable or could have been effectively disposed in the lower courts as misdemeanors.

The policy of the Allen Administration has been to reserve the felony courts, where cases take longer to try due to jury trials, for the most serious cases and most dangerous offenders. The reasoning is that it makes no sense to use valuable court time in Criminal Court trying a minor offender when the same result can be obtained by reducing the felony charge to a misdemeanor for trial in the non-jury District Court. In order to accomplish this, prosecutors must be utilized to review felony charges as soon after arrest as possible.

The first attempt to accomplish this was a federal grant of \$140,000 in early 1971, which established a seven-man screening unit. The unit was also designed to conduct plea negotiations prior to trial whenever possible. Although the unit cut the number of indictments from 8,330 in 1970 to 4,812 in 1971, its review occurred too late in the process to divert a sufficient number of weak cases from the felony courts. It was also hampered by an unwillingness of defense attorneys to negotiate pleas until close to trial dates.

The second attempt, and by far one of the most successful programs of the Allen Administration, was the establishment of the Felony Complaint Division in June 1973. It is one of the finest examples of close police—prosecutor cooperation to achieve mutual objectives. The Division, which includes seven prosecutors, five law clerks and four control clerks, reviews all felony charges and maintains control of each felony case from arrest to the setting of a trial date. For the first time in history, a Baltimore State's Attorney can obtain the case status of any felony defendant from the time he is charged until final disposition within minutes.

The Division, under the direction of Richard Guth since its inception, is open for business until midnight on Mondays and Thursdays as well as normal duty hours. Within 48 hours after a felony arrest has been made in Baltimore, a division prosecutor will review the facts with the principal

investigating officer and decide the course of action to be taken. He may request further investigation, such as a polygraph, handwriting exemplar, lineup, etc; reduce the charge if he deems that the case merits misdemeanor prosecution; or approve it for felony processing. His review sheet and instructions are transmitted to the District Court prosecutor who will conduct the preliminary hearing and report back to him what transpired. The felony complaint prosecutor will then approve the indictment or information if a felony has been approved. In this way, the responsibility for each felony case rests with the prosecutor who performed the original review with the police. It is his responsibility to make sure that the case is provable and that all investigative efforts have been explored.

The Division has screened out approximately 35% of the cases referred to it since its inception and the high conviction rates now being experienced in the felony courts are largely due to its work.

6. Narcotics Strike Force

One of the first priorities of the Allen Administration was to attack the drug problem in Baltimore by concentrating on the "pushers" and the organized elements rather than the addicts. The Narcotics Strike Force, established in September 1971, with a budget of \$225,000, was designed to establish the primary targets for prosecution and coordinate law enforcement activities to break-up the major organizations distributing narcotics in Baltimore. It started as a joint force of seven prosecutors and seven officers from the Narcotics Unit of the Police Department.

The Force was well financed and equipped with federal money and also controlled a "justice fund" to make undercover "buys" from dealers and finance covert operations. Most of the prosecutors assigned to the Force were experienced in search and seizure law and the use of electronic surveillance and wiretap procedures.

By 1973, four of the five major narcotic distributors in Baltimore had been successfully prosecuted by either the Strike Force or federal authorities and were serving prison terms. The fifth was under indictment.

One of the major innovations of the Strike Force was to centralize police and prosecutor intelligence data on narcotics traffic in one unit. Another has been the BAN LINE operation, a 24-hour telephone service which citizens can use to report drug use in their neighborhoods. Since this service was started in January 1972, 5,545 calls have been received resulting in 228 arrests and 777 violations referred to district police officers.

In 1973, a Special Grand Jury was convened at the request of the Strike Force which resulted in 19 persons being indicted for either conspiracy to distribute heroin or possessing heroin with intent to distribute.

All major narcotics prosecutions in Baltimore are now coordinated with the Strike Force under the supervision of its Director, Joseph Murphy. In addition, the Force provides technical assistance to any police officer

engaged in electronic surveillance, wiretapping or needing a search warrant on a 24-hour basis.

7. Violent Crimes Liaison Unit

One of the most widely known and applauded units in the Office is the Violent Crimes Liaison Unit established in September 1972, under a federal grant. It was designed to provide a specialized unit of prosecutors who would work directly and on a 24-hour, seven-day-a-week basis with the Police Department in the investigation of crimes of violence.

Under the direction of Howard Gersh, the Unit was originally contemplated to handle all types of violent crimes, i.e., murders, rapes, robberies, aggravated assaults, etc. However, it soon became obvious that four prosecutors could not manage the enormous volume of cases assigned to the Police Department's Criminal Investigation Division. Consequently, the Unit focused on the high number of homicide cases, although it is frequently consulted by the arson, rape and robbery squads of the Police Department.

The Unit's prosecutors are available as soon as an investigation is initiated and render legal advice on such critical issues as confessions, lineups, witness immunity, search and seizure, extradition and other investigative procedures. They also prepare in depth the office files which will be utilized in the trial of such cases.

In the Unit's first 18 months of operation there were only 33 acquittals compared to 213 convictions in homicide cases which the Unit had prepared, for an unprecedented conviction rate of 87%!

The Unit has not only been acclaimed by the Police Department, but in June 1973, it received plaudits from the Congressional Selected Committee on Crime in its report to the House of Representatives entitled, "*Street Crime: Reduction Through Positive Criminal Justice Responses.*"

8. High-Impact Court Trial Teams and Investigators

In July 1973, the State's Attorney's Office received federal funds to hire eight prosecutors and four investigators as part of what is known as the High-Impact Courts Program. This grant is part of a 20 million dollar three-year program to reduce so-called High-Impact crimes in Baltimore, i.e., stranger to stranger murders, rapes, robberies, aggravated assaults and burglaries.

The Courts Program established two parts of the Criminal Court with supporting services to give priority to jail defendants, dispose of high-impact cases within 90 days of arrest and reduce postponements to 10%. A key factor in the prosecutor's program was the addition of four investigators—the first time in the history of the Office that it has had its own investigators.

A recent evaluation of the Courts Program by the Mayor's Coordinating Council on Criminal Justice showed that 504 defendants studied averaged

159 days from arrest to trial date. The study called, "Baltimore High Impact Program, Phase I Evaluation: Baltimore High Impact Courts," seems to indicate that the 90-day goal from arrest to disposition is too optimistic under our present system. However, it was noted that the additional resources have probably cut processing time for felonies an average of 150 days and that the "shrinking backlog (4,413 open defendants on July 1, 1973—1,720 open defendants on June 1, 1974) provided a manageable workload. Trouble cases were more easily identified and corrected."

9. Pre-Trial Diversion

In March 1973, a pilot program was initiated by the Office aimed at permanently diverting first offenders from the criminal justice system. The project, called First Offenders Under New Direction (FOUND), was started with \$150,000 of federal funds and a matching City contribution of \$50,000.

The program admits young offenders, between the ages of 18 and 26, who are charged with certain misdemeanors, but have no prior adult conviction record. If an offender voluntarily enrolls in the program, he receives intensive tutoring or job counseling and placement services for a period of from 90 to 180 days. Some are enrolled in vocational training programs. If he fulfills all program obligations, his counselor will recommend that the charges against him be dropped. If he fails to participate, he is unfavorably terminated and prosecution resumes.

Typical charges against offenders allowed to enter the Project are shoplifting, petit larceny, unauthorized use of an auto, simple assault (no weapon) and disorderly conduct. The victims of such crimes are informed of the defendant's enrollment in the program. If the victim objects, the applicant is not enrolled and prosecution resumes.

During the pilot year there were 268 participants in the program. Another 500 are expected to be enrolled in its second year which is now underway. Eventually, it is hoped that the program will have 1,000 enrollees per year. The 268 case files of the first year's operations reflect the following:

Favorable Terminations	199 (79%)
Unfavorable Terminations	52 (21%)
Still Active	15
Closed Due to Death of Enrollee	2
TOTAL	268

One of the primary objectives of the program is to give the offenders an opportunity to lead law-abiding lives. The Project personnel endeavor to

maintain contact with the successful participants. A recent survey of 160 former enrollees disclosed that only 19 had been rearrested, or 12%. In a system in which 70% recidivism rates are common, this is a hopeful sign.

10. Major Frauds Unit

One of the chief weaknesses of the Baltimore prosecutor's office in recent times has been its lack of resources to investigate and prosecute so-called "white-collar" crimes. These are the crimes which by virtue of the organized frauds committed on the public in general and public and private institutions end in losses passed on to the consumer by higher prices. They are usually complex schemes which demand expertise, time and attention.

In November 1973, the State's Attorney's Office became one of 15 prosecutors' offices throughout the country to participate in a national Economic Crimes Project sponsored by the National District Attorney's Association. The project is designed to develop shared intelligence on national schemes to defraud the public, and develop new cooperative techniques to attack white collar crime. The Major Frauds Unit is funded by the Maryland Governor's Commission on Law Enforcement and the Administration of Justice, City matching funds and the Economic Crimes Project. These provide for three prosecutors, three investigators, two law clerks and supporting personnel, space and equipment.

The Unit immediately established channels of communication with the Better Business Bureau, the Consumer Protection Division of the Attorney General's Office, the Baltimore and Maryland State Police fraud units, the Maryland Port Authority, the U. S. Customs Bureau, the F.B.I., the U. S. Postal Service, the Federal Strike Force in Organized Crime and Racketeering, the Metropolitan Transit Authority, commercial and federal banks in the area, the Retail Merchants Association and many other agencies working in the field of combating major frauds in Baltimore.

The Unit not only receives complaints from consumers who believe that retail merchants, repair shops or corporations are defrauding them, but also from public and private organizations operating in Baltimore. In the first six months of operation, it received over 1,000 referrals resulting in over 100 special investigations. A number of completed prosecutions resulted in \$52,000 in fines paid and recovery of \$36,000 in restitution paid to the victims of the fraudulent schemes. It has recently engaged in investigations in the area of corruption by public officials and organized crime. One of its members led the recent investigation in which a one-million dollar auto theft ring operating in the Baltimore metropolitan area was broken by a cooperative raid of 170 law enforcement officers.

It is believed that this Unit now gives the Office the capability to make a significant contribution in attacking organized and sophisticated criminals operating in Baltimore and adjoining jurisdictions.

II. STATISTICS AND WHAT THEY MEAN

Most analysts engaged in collecting, analyzing and reporting criminal justice statistics quickly note the lack of uniform definitions which makes meaningful comparison difficult. Although the *Uniform Crime Reports* of the Federal Bureau of Investigation have standardized crime reporting by police departments, there is a lack of uniform data on court systems. Some questions which must be answered before conclusions can be made are:

What is a criminal case? Is it a criminal charge, a defendant, or a trial in which a number of defendants and charges may be adjudicated at the same time.

What is a backlog? The systems analyst views it as a unit of work which cannot be accomplished in the time prescribed for its accomplishment because the work force is working on other units. If this is so, then some time standard must be supplied for processing criminal "cases" before we can call them backlog.

What is a conviction rate? Is it the total charges disposed, including charges dropped, divided into the number of convictions, or is it the total "cases" brought to trial divided into the number of "cases" resulting in convictions?

What is a felony? The definition varies in each state and under federal law. In Maryland we not only have statutory, but also common law felonies.

How can *performance* of a prosecutor's office be measured when some jurisdictions try 90% of their cases by jury while other only 10%? When some jurisdictions use plea bargaining primarily to accomplish their workload, and others do not?

The fact is that no two jurisdictions are exactly alike. They differ not only in their laws, but in what laws the prosecutor enforces. They differ in the number of courts available and how cases are processed. An office of 50 prosecutors may be doing as much work and be just as effective as one with 100 operating under different constraints. The only real tests seem to be; (1) whether a large number of defendants are left with open charges an unreasonable length of time; (2) whether the ratio of defendants found not guilty is intolerable; and (3) whether the prosecutor is dropping charges against an unacceptable percentage of defendants due to insufficient evidence.

UNTRIED CRIMINAL COURT DEFENDANTS

The first test is difficult because courts have not defined what "speedy trial" means in terms of time. It is obvious that a prosecutor cannot try a defendant without a lawyer and, too frequently in Baltimore, defendants have been able to postpone their trials by unreasonable delays in obtaining counsel.

A look at the Criminal Court's statistics of untried *defendants* as of July 1, 1974, and the performance of the State's Attorney's Office for the first six months of 1974, indicates that there is not a large number of defendants awaiting trial an unreasonable length of time.

The following is extracted from a report of the Criminal Assignment Office covering the status of all *untried* cases dating from July 1, 1972 to July 1, 1974:

STATUS	CHARGES	DEFENDANTS
Set for trial	2,028	1,052
With counsel, no trial date	424	245
Postponed, new trial dates not scheduled	184	107
Without trial dates due to no defense counsel	240	133
Without trial dates due to defendants not available for trial (Bail Forfeitures, Warrants, etc.)	285	150
TOTALS	3,161	1,687

Based on the above and the performance of the State's Attorney's Office for the first six months of 1974, the Criminal Court had approximately two and one-half months of work before it as of July 1, 1974. This is computed by taking the number of defendants with counsel available for trial (1,404) and dividing by the average number of defendants disposed per month (617) by the State's Attorney's Office during the first six months of 1974, which equals 2.3.

An unknown factor is the percentage of defendants who will pray jury trials, thus affecting the disposition rate. Although the percentage of jury trials has not varied greatly since 1971, the number is steadily increasing and is expected to greatly exceed 400 in 1974, an all-time high!. In computing the rate of jury trials we do not include appeals from the District Court since these seldom involve juries. Considering only defendants tried by indictments, informations and warrants the percentage of jury trials is computed by dividing the number of defendants tried by jury by the total number of defendants convicted, acquitted, receiving probation without verdict, and confessed not guilty by the State. The data since 1971 is as follows:

YEAR	CONV	ACQ	PWOV	NGC	TOTAL TRIALS	JURY TRIALS	% JURY
1971	3,105	602	160	44	3,911	355	9.07
1972	2,636	617	88	23	3,364	396	11.77
1973	3,253	532	104	10	3,899	399	10.23
6 Mos. 1974	1,826	265	179	3	2,273	235	10.81

The increase in total trials reflected in 1973 and 1974 is due to such factors as (1) a sharp increase in warrants received from the District Court which can result in jury trials; (2) the two additional parts added to the Criminal Court thereby increasing court capacity by approximately 20%, and (3) more expeditious processing of warrants which are misdemeanor charges referred to the Criminal Court by defendants praying jury trials in District Court either to delay their cases, or to take their cases away from District Court judges. Very few of these warrants actually result in jury trials and most of them are readily disposed in a part of the Criminal Court reserved for these cases.

Assuming that the jury trial rate will not increase markedly and that the felony workload will not exceed 1973, we can safely say that the total workload before the Court on July 1, 1974, represented about 2.5 months of court capacity—certainly not a cause for concern.

Another factor which must be considered is the age of cases before the Court. A study by Assistant State's Attorney Barbara Daly, who has been given the assignment of disposing of cases over six months old, gives us some idea of the age of the workload. As of July 1, 1974, she found that there were 54 defendants awaiting trial since 1972, and 315 since 1973. Although there is no breakdown of the average age of these pre-1974 cases, we can assume that most of them are over one year old. This represents 22% of the total of 1,687 defendants being carried as open as of July 1, 1974, by the Criminal Assignment Office. The remaining 78% were less than six months old—a major accomplishment when viewed in the light of State's Attorney Moylan's report on "Crisis in the Courts" in 1969.

There are many reasons why cases are not brought to trial soon after arrest. Most frequently it is due to the defendant's delay in hiring an attorney, pleading insanity (which sometimes delays a trial for four months), or absconding while on bail or recognizance. Sometimes it is due to the State's desire to prosecute his co-defendant(s) when his case has been severed. Occasionally, it will result from a case being remanded by a higher court for retrial; or the State reopening a case after it has discovered its missing witness. Most of these are legitimate delays, but they play havoc with the orderly processing of cases.

At one time the high postponement rates of the Criminal Court were a major factor in defendants not being tried timely. It was not unusual in 1969 and 1970 to experience postponement rates between 40% and 50%, much to the chagrin of all concerned except possibly the defendants. There are various definitions of what is a postponement due to the scheduling procedures now being used in the Criminal Court. Suffice to say that the high rates prior to 1971 have been considerably reduced. This is primarily due to (1) Centralizing postponement approvals in the Administrative Judge; (2) the establishment of a Public Defender System and (3) general improvements in the entire criminal justice system, particularly in the scheduling of cases for trial and the summoning of witnesses.

Lastly, the true test of any system is whether it can equal its incoming work with output. This has been accomplished by the Office during the Allen Administration as reflected by the following table:

TYPE OF CHARGE	1971	1972	Six Months	
			1973	1974
Indictments (Defendants)	4812	9253	4386	1315
Filed	(3560)	(5370)	(2513)	(673)
Indictments (Defendants)	7356	5990	7285	1999
Disposed	(4327)	(3524)	(4096)	(1020)
Criminal Info. (Defendants)	206	265	1538	1481
Filed	(121)	(155)	(919)	(913)
Criminal Info. (Defendants)	Not	Not	632	1325
Disposed	Recorded	Recorded	(299)	(801)
SUB-TOTALS AS TO INDICTMENTS/INFORMATIONS				
Filings (Defendants)	5018	9518	5924	2796
	(3681)	(5525)	(3432)	(1586)
Dispositions (Defendants)	7356	5990	7917	3324
	(4327)	(3524)	(4395)	(1821)

(Note 1: The above are primarily *felony charges*, although it was the practice prior to 1973 to secure indictments against misdemeanants who prayed jury trials. These are now tried by the original arrest warrant or statement of charges filed in the District Court.

Note 2: The sharp increase in filings in 1972 is accounted by a change in the numbering system, due to computerization, by which each defendant is given a separate indictment or information number. It was also due to a sharp increase in misdemeanants praying jury trials in District Court. The effects of the Felony Screening Program can be seen in 1973 and 1974, in the reduction of felony charges.

Note 3: Defendants disposed prior to 1973 are estimated on the basis of the historically consistent ratio of 1.7 charges per defendant. In 1973, we began counting defendants as well as charges in all statistical analysis since we believe that charges as work units are misleading.

Note 4: The Table shows a total of 14,224 defendants with indictments/informations filed, and 14,067 defendants disposed during the last three and one-half years; a case of output almost equalizing input!

TYPE OF CHARGE	1971	1972	Six Months	
			1973	1974
Warrants (Defendants)		531	2823	2898
Filed	None	(302)	(1523)	(1219)
Warrants (Defendants)		221	2302	2640
Disposed	None	(130)	(1290)	(1112)
Appeals (Appellants)	3596	2274	2160	1304
Filed	(2115)	(1338)	(1361)	(748)
Appeals (Appellants)	4279	1997	2576	1188
Disposed	(2517)	(1175)	(1645)	(767)

SUB-TOTALS AS TO WARRANTS/APPEALS

Filings (Defendants)	3546	2805	4983	4202
	(2115)	(1640)	(2884)	(1967)
Dispositions (Defendants)	4279	2218	4878	3828
	(2517)	(1305)	(2935)	(1879)

(Note 5: The above are all misdemeanor charges and defendants referred to the Criminal Court for jury trials (Warrants) or new trials (Appeals). Only a small percentage actually result in jury trials.

Note 6: The sharp increases in warrants in 1973 and 1974 reflect a growing tendency of defendants in District Court to pray jury trials in order to avoid trials in that Court for various reasons. In order to prevent this tendency from clogging the Criminal Court's dockets, a special court was established in 1973 to try these cases within a month after the defendants prayed jury trials.

Note 7: Defendants prior to 1973, estimated. See Note 3 above.

Note 8: The above Table shows a total of 8,606 defendants/appellants with warrants/appeals filed and 8,636 defendants/appellants disposed during the last three and one-half years; a case of output not only equaling input, but also reducing backlog inherited from prior administrations!

GRAND TOTALS

Filings (Defendants)	8614	12,323	10,907	6998
	(5796)	(7165)	(6316)	(3553)
Dispositions (Defendants)	11,635	8208	12,795	7152
	(6844)	(4829)	(7330)	(3700)

(Note 9: The alarming increase in workload and concurrent decrease in production in 1972, when there were eight parts of the Criminal Court compared to twelve today, was accounted by four factors: (1) an increase in jury trials, (2) a decrease in stets and nol prosses, (3) an increase in the postponement rate, and (4) a drop in the number of defendants set for trial. See our report entitled, "A Report of the State's Attorney's Operations in the Criminal Court of Baltimore in 1972," issued by Milton B. Allen, March 5, 1973.

Note 10: The above grand totals for the three and one-half years represent a total of 22,830 defendants with charges filed in Criminal Court and 22,703 defendants with all charges disposed. The average defendants per year charged was 6,426 and disposed is 6,334. We believe this to be an excellent production record for a big city prosecutor's office.)

CONVICTION RATES

The second test of a prosecutor's office centers on not whether it accomplishes its work, but how well it does so. Does it present its cases well enough to obtain convictions, or is the acquittal rate intolerable? In computing the conviction rate we divide the number of defendants convicted by the total number of defendants brought to trial in which verdicts were rendered, i.e., guilty, not guilty or probation without verdict. We do not count defendants against whom *all* charges are dropped by the State, i.e., placing the case on a *stet* (delay) docket, or entering a *nolle prosequi* (declining to prosecute).

Our reasons for not including *stets* and *not prosses* are:

- (1) Justice is sometimes better served by dropping charges against a defendant such as in a fraud case when the victim is primarily interested in restitution; or an assault when the victim is reluctant to testify against the defendant who may be a spouse, relative or neighbor;
- (2) Many times the prosecutor can only prosecute the real culprit by dropping all charges against his accomplice and thereby obtaining his testimony in exchange;
- (3) A law enforcement agency may request that we drop charges against a defendant who is to be used as an informant, or who has given the agency valuable information against criminals;
- (4) A court decision may render charges against a class of defendants illegal, such as the federal court decision which declared the most 16 and 17 year old defendants indicted in Baltimore in 1971 were juveniles instead of adults. This generated wholesale *nol prosses* against these individuals and the filing of juvenile petitions;
- (5) It serves no purpose to prosecute a defendant who has already been convicted of another crime, whether in Maryland or another jurisdiction, and has received a substantial sentence. Prosecution of such an individual would probably be futile since he would probably not receive an additional sentence. Many times the costs of extradition alone are prohibitive;
- (6) When a defendant is found to be incompetent, the State has no choice but to drop his charges eventually.

There are many other reasons for dropping charges besides the above and to include actions over which the State has little or no control in computing a qualitative rate does not seem to be good practice. The true conviction rate is obtained by looking at the number of convictions obtained when cases are brought to trial on their merits. Another indicator is to look at the number of acquittals of the total number of defendants brought to trial if probation without verdict (a mitigating verdict when guilt is proven) is a factor.

The record of the Office since 1960, using the method stated above, is as follows:

STATE'S ATTORNEY'S OPERATIONS IN CRIMINAL COURT, 1960---1973, AND 1974 (FIRST SIX MONTHS)

STATE'S ATTORNEY	AS TO INDIVIDUAL DEFENDANTS TRIED BY INDICTMENTS, INFORMATIONS AND WARRANTS										AS TO CHARGES IN APPEALS FROM DISTRICT COURT						
	YEAR	CONV	ACQ	TOTAL TRIALS	CONV RATE %	JURY TRIALS	JURY TRIALS RATE %	TOTAL APPEALS DISPOSED	CONV	ACQ	NGC	PBV	DISM STET NP	ABD	CONV RATE %	APPEALS W/D	
HARRIS	1960	3,771	775	4,546	83	61	1.34	792	446	131	17	15	183		73		
HARRIS	1961	4,065	819	4,884	83	50	1.02	1,154	653	185	56	47	213		69		
HARRIS O'DONNELL	1962	3,007	697	3,900	77	35	0.89	1,256	617	228	34	37	340		67		
O'DONNELL	1963	3,680	726	4,670	79	41	0.87	1,006	487	196	18	54	251		65		
O'DONNELL MOYLAN	1964	4,250	1,092	5,557	76	43	0.77	926	380	176	10	63	297		60		
MOYLAN	1965	4,397	935	5,588	79	71	1.27	1,439	501	335	44	100	459		51		
MOYLAN	1966	3,637	899	4,755	76	134	2.81	1,264	514	313	50	97	290		53		
MOYLAN	1967	3,648	1,054	5,035	72	102	2.02	1,169	367	256	45	79	422		49		
MOYLAN	1968	3,725	1,170	5,134	73	125	2.43	1,567	451	312	135	124	411		44	134	
MOYLAN	1969	4,499	1,427	6,254	72	312	4.98	1,816	655	256	176	117	396		54	216	
MOYLAN CARDIN	1970	3,495	1,202	5,066	69	258	5.09	2,691	881	392	313	132	601		51	372	
ALLEN	1971	3,105	602	3,911	79	355	9.07	4,270	1,525	385	121	338	1,442		64	459	
ALLEN	1972	2,636	617	3,364	78	396	11.77	1,937	867	206	141	134	344		64	245	
ALLEN	1973	3,253	532	3,899	83	399	10.23	1,644	786	173	110	98	226		67	251	
ALLEN	6 MOS 1974	1,826	265	2,173	84	235	10.81	767	396	83	23	48	111		72	106	

EXPLANATIONS OF ABBREVIATIONS
USED IN PRECEDING TABLES

CONV	Convictions
ACQ	Acquittals
NGC	Not Guilty Confessed by State (The defendant is exonerated of the charges against him.)
PBV	Probation Without Verdict (The defendant is placed on probation without a guilty verdict on his record.)
ABD	Abated by Death (The defendant died prior to trial.)
DISM	Dismissed (The Court has dismissed the appeal from the District Court conviction because the appellant has failed to appear for trial, thereby making his conviction in the lower court final.)
STET	The State was unable to proceed on the day of trial and the case has been delayed indefinitely by entering a <i>stet</i> .
NP	The State declined to prosecute and all charges were dropped by entering a <i>nolle prosequi</i> .
APPEALS W/D	The appellant withdrew his appeal from a conviction in the District Court, thereby making his conviction final.
NOTE 1:	Total trials include probation without verdict and not guilty confessed.
NOTE 2:	Appeals reflect charges prior to 1973 and appellants thereafter.
NOTE 3:	Data on appeals withdrawn is not available prior to 1967.
NOTE 4:	All data prior to 1969 was obtained from annual reports published by the State's Attorney's Office which are on file in the Office and available for research.

The record of the Office since 1971 shows some dramatic accomplishments. These are:

The *conviction rate* for defendants tried by indictment, information or warrant, either by court or jury has climbed from an unacceptable low of 69% in 1970, to an unprecedented high of 84% during the first six months of 1974;

The *number of defendants acquitted* has been *cut in half* from 1,202 in 1970, to a projected 530 in 1974. The number of defendants acquitted each year of the Allen Administration (602 in 1971, 617 in 1972 and 532 in 1973) is consistently low compared to the 1,000 plus defendants acquitted in the preceding four-year period.

The high conviction rates and low numbers of acquittals are particularly noteworthy considering that the jury trial rate practically doubled in the first year of the Allen Administration and has remained consistently above 10% since 1971! If we accept the fact that it is more difficult to obtain a conviction in a jury trial, when the State has to convince 12 jurors beyond a reasonable doubt rather than one judge of the defendant's guilt, then the record is even more dramatic since it includes more jury trials than those experienced in prior administrations. In fact, the *jury trial conviction rate*, not counting mistrials, for 1973 was 65% and 61% for the first six months of 1974, which tends to prevent the overall conviction rates from being even higher than they are.

Appeals from District Court convictions (misdemeanor trials) usually received low priority in prior administrations. This can be seen by the large number of acquittals and confessions of not guilty which resulted in unacceptable conviction rates. This practice was dramatically reversed in 1971, when a huge backlog of pending appeals was screened and disposed (4,270). Since then, the Office has been preparing these cases well in advance of trial and the current conviction rate of 72% reflects the concern of the Office that such defendants not escape justice by merely appealing their convictions in District Court.

The entire record since 1960, reflects a decline in prosecutorial effectiveness from 1961 to 1970, due to inadequate resources of an Office struggling to adapt to sweeping reforms of the criminal justice system by the Supreme Court of the United States. This trend was reversed in 1971, when the large influx of federal money and new programs began to take effect. We like to think that the Office is now on even keel and can match its performance eminently with any office of comparable size in the nation. The National Center for Prosecution Management believes this to be true.

In order to dispel any thought that the high conviction rates are the results of obtaining convictions in a large number of less serious offenses, the following is submitted:

CONVICTION RATES (%) IN MAJOR OFFENSES

Offense	Six Months					
	1969	1970	1971	1972	1973	1974
Murder	68	69	81	77	84	84
Rape	62	61	68	67	78	74
Robbery	77	76	84	86	84	89
Narcotics	71	69	78	82	83	88
Burglary	77	78	88	91	93	93

The superior performance in 1973 and 1974 is believed to be a direct result of the establishment of the Felony Complaint Division, Violent Crimes Liaison Unit, and the professional development of the staff.

PLEA BARGAINING AND DROPPING CHARGES

Any prosecutor's office can look good statistically speaking by taking guilty pleas to lesser charges (letting the defendant "cop a plea"), or dropping charges (stetting or nol prossing) when it believes that it cannot obtain convictions. Therefore, no analysis of a prosecutor's performance is complete without looking at (1) What percentage of convictions are obtained by guilty pleas? (2) What percentage of total cases (defendants) disposed is due to dropping charges? and (3) What were the reasons for dropping charges?

(1) Guilty Pleas as a Percentage of Convictions

The following chart shows that the Office is taking guilty pleas in approximately one-third of its convictions. This is generally considered low compared to most jurisdictions where the reverse is true. Most jurisdictions rely on plea bargaining to dispose of their caseloads due to the high rate of jury trials. In states where most defendants pray jury trials, prosecutors find that they must rely on the plea bargaining process to dispose of cases expeditiously. There is no way, for example, for a New York City prosecutor to dispose of 25,000 jury trials per year when the average jury trial can take weeks to try.

Baltimore is unique in this respect in that the prosecutor is not forced into accepting a plea to a lesser charge since only 10% of his cases are jury trials. However, the chart shows that as jury trials doubled from 1969 to 1970, guilty pleas increased sharply. Although the Office established a plea bargaining and screening unit in 1971 in order to reduce the huge volume of pending cases, it was abandoned in 1972 due to an inability to obtain pre-trial conferences with defense attorneys. As felony screening became more effective, it was decided that no formal plea bargaining procedures were necessary since the "weak" cases were being screened out of the system. Each prosecutor is expected to weigh the merits of each individual case and to negotiate a plea only when there is reasonable doubt of securing a conviction, or when a plea will probably yield the same result as a trial. Since most Criminal Court judges refuse to participate in plea negotiations, removing the possibility of negotiating a sentence, most Baltimore prosecutors try their cases. We believe this to be good practice and there is no plan to establish formal plea bargaining procedures in order to promote guilty pleas. Comparing the following chart to the conviction rates experienced in the last four years, it can be seen that the Office is able to maintain high conviction rates without resorting to taking pleas to lesser charges.

DEFENDANTS TRIED BY INDICTMENT, INFORMATION OR WARRANT

State's Attorney	Year	Convictions	Guilty Pleas	% of Guilty Pleas
Harris	1960	3,771	1,267	33.5
Harris	1961	4,065	1,380	33.9
Harris/O'Donnell	1962	3,007	1,089	36.2
O'Donnell	1963	3,680	681	18.5
O'Donnell/Moylan	1964	4,250	758	17.8
Moylan	1965	4,397	1,022	23.2
Moylan	1966	3,637	768	21.1
Moylan	1967	3,648	823	22.5
Moylan	1968	3,725	903	24.2
Moylan	1969	4,499	865	19.2
Moylan/Cardin	1970	3,495	1,287	36.8
Allen	1971	3,105	1,635	52.6
Allen	1972	2,636	1,074	40.7
Allen	1973	3,253	1,066	32.7
	6 Mos.			
Allen	1974	1,826	693	37.9

(2) **Percentage of Defendants Disposed Due to Dropping of Charges**
(Stets and Nol Prosses)

The following chart which depicts a ten-year period shows a sharp rise in the percentage of stets and nol prosses in 1970 and 1971. This was due to a "house cleaning" in which the goal was to purge the system of large numbers of dormant and untriable cases accumulated from prior years. This was the so-called "backlog" which was plaguing the Office in 1968-69, clogging the courts and making effective prosecution almost impossible. It was also due to a federal court decision which rendered a large number of indictments against 16 and 17 year old defendants void.

The downtrend since 1971 is attributed to the felony screening program which precludes untriable cases from entering the system. The current rate of 25.5% should be further reduced. However, it is not a cause of great concern when it is realized that 40% of these charges are dropped due to convictions in other cases. This will be shown in the succeeding section.

DEFENDANTS TRIED BY
INDICTMENT, INFORMATION, OR WARRANTS

STATE'S ATTORNEY	YEAR	CONV	ACQ	PBV	NGC	STET NP	TOTAL DISPOSED	% OF STETS NOL PROS
O'Donnell/ Moylan	1964	4,250	1,092	201	14	661	6,218	10.6
Moylan	1965	4,397	935	238	18	1,225	6,813	17.9
Moylan	1966	3,637	899	160	59	835	5,590	14.9
Moylan	1967	3,648	1,054	260	73	1,490	6,525	22.8
Moylan	1968	3,725	1,170	208	31	1,892	7,026	26.9
Moylan	1969	4,499	1,427	227	101	2,289	8,543	26.8
Moylan/ Cardin	1970	3,495	1,202	247	122	4,217	9,283	45.4
Allen	1971	3,105	602	160	44	4,302	8,218	52.3
Allen	1972	2,636	617	88	23	2,228	5,592	39.8
Allen	1973	3,253	532	104	10	1,720	5,619	30.6
Allen	6 Mos. 1974	1,826	265	79	3	746	2,919	25.5

(3) **Reasons for Dropping Charges**

The first of the following two tables depicts the reasons for *stets* and *nolle prosequi* in *indictments only* for the years 1964 through 1972. Reasons for dropping charges in appeals were not recorded and warrants were included in indictments during these years. Informations did not become a significant part of the workload until 1973, as most felonies were charged by indictment.

In 1973, a more sophisticated system was devised by State's Attorney Milton B. Allen to control and document the dropping of charges. It is probably one of the best devised and is being copied by a number of prosecutors' offices throughout the country. Briefly, it works as follows:

- (a) A prosecutor can drop a charge in Criminal Court providing he believes that the reasons are sufficient to convince the State's Attorney, the Court and ultimately the public, if necessary, that justice dictates his action;
- (b) No charge is to be dropped which is potentially controversial unless the prosecutor obtains the approval of his immediate supervisor. All division chiefs are on notice that they are to consult the Deputy State's Attorney if they have any reservations before approving a *stet* or *nolle prosequi*;
- (c) The *nolle prosequi* or *stet* is entered in open court on the record with general reasons given so as not to jeopardize other prosecutions and to protect the confidentiality of State witnesses;
- (d) Within 24 hours after dropping a charge, the prosecutor files a confidential report with the State's Attorney giving detailed reasons for his action. These are reviewed daily and referred to appropriate supervisors if there is any question;
- (e) Snap-out copies of the confidential reports are filed by prosecutor's name and reason and these are compiled in a monthly report to the Deputy State's Attorney;
- (f) The confidential reports are available for public scrutiny unless they reveal the identity of an informant or will jeopardize the safety of a State's witness.

NOTE: The State's Attorney can reopen a *stet*, or reindict or file a new information for a *nolle prosequi* at any time if the charge is a felony or penitentiary misdemeanor.

The second chart is a compilation of the confidential reports for 1973 and the first six months of 1974. We believe that they give a more accurate explanation of why the State is dropping charges and reflect incisive management control of this extremely sensitive function.

An analysis of 1964 thru 1972 shows a climbing percentage of charges dropped for insufficient evidence to convict, particularly in 1970, 1971 and 1972, when the "housecleaning" took place. This reflects the inheritance of weak cases which were allowed to enter the system through lack of effective screening in the District and Criminal Court. The total number of *stets* and *nol prosses* in 1970 and 1971 represents the purging of the dockets and it is noted that this number dropped in 1972.

The total number of defendants against whom *all* charges are dropped, meaning there is no conviction in another case, is dropping from 1,720 in 1973 to a projected 1,500 in 1974. Dropping of all charges against felony defendants (indictments and informations) is decreasing from 1,383 in 1973 to a projected 1974 figure of less than 900. This is probably the best showing in this area since 1966!

The best justification for felony screening is seen in the low number of felony charges dropped for *insufficient evidence to convict*; (191 out of 1,409) 13.6% for 1973; and (87 out of 739) 11.8% in the first six months of 1974. This is an outstanding improvement over the 61% and 49% rates of 1971 and 1972. Again, it is the best performance in this area since 1966, and indicates that better cases are being presented to the court.

It should be noted that approximately 40% of all charges dropped during the Allen Administration are due to convictions in other cases when there is little to be gained by additional prosecution of the same defendants.

(NOTE: The 1,885 defendants against whom charges were *stetted* or *nol prossed* in 1973 is believed to be erroneous. This is due to the fact that it took considerable time to implement the new system for recording reasons for dropping charges. Correcting the total would involve extensive research and is not deemed worthwhile since the rates for the reasons are deemed accurate. The total defendants (1,720) against whom *all* charges were dropped in 1973 is accurate since it was compiled by a daily review of the docket results.)

REASONS (BY % OF TOTAL INDICTMENTS DROPPED) FOR STETS AND NOL PROSSES

REASONS	1964	1965	1966	1967	1968	1969	1970	1971	1972
Conviction in Companion Cases	45.0	25.2	24.5	57.8	40.4	39.4	48.6	33.1	36.5
Acquittal in Companion Cases	0.5	0.3	0.5	1.1	4.5	1.5	0.9	1.1	10.3
Approval/Suggestion of Court	9.2	5.7	—	—	—	—	—	—	—
Other Proceedings Pending	—	—	—	—	—	—	8.0	—	—
Defective Indictment	9.7	49.2	63.3	10.0	8.9	20.6	—	0.7	NR
Request of Prosecuting Witness	1.6	0.7	0.5	0.7	1.1	1.5	0.2	2.5	1.7
Absence of Prosecuting Witness	15.2	6.9	3.7	8.7	15.9	12.4	4.1	0.9	0.8
Defendant Non Est	4.6	3.3	1.8	1.9	4.2	0.2	5.9	0.7	0.8
Restitution	2.5	1.2	1.9	0.9	7.5	0.9	0.5	0.1	0.1
Lack of Sufficient Evidence	9.3	5.2	2.2	17.7	15.4	22.3	31.7	60.9	49.4
Insanity of Defendant	2.5	1.9	1.5	1.3	0.4	1.3	—	—	0.4
TOTAL STETS AND NOLLE PROSEQUI	611	1202	870	1398	1794	2275	3641	3748	2373

NR—Not Recorded

REASONS FOR DROPPING CHARGES AGAINST DEFENDANTS

Reasons	1973			1974 (6 Months)		
	Information and Indictment	Warrant and Appeal	Totals Percentage	Information and Indictment	Warrant and Appeal	Totals Percentage
Conviction in Companion Case	512	134	646 34.3	255	203	458 34.8
Conviction in Unrelated Case	73	17	90 4.8	68	21	89 6.7
Psychiatric Condition of Defendant	7	0	7 .4	7	5	12 .9
Psychiatric Condition of Victim	11	2	13 .7	5	4	9 .6
Non-Reliable State's Witness	61	29	90 4.8	31	26	57 4.3
State's Witness Changed or Altered Testimony	22	8	30 1.6	7	4	11 .8
Unable to Locate Key State's Witness	158	62	220 11.7	51	49	100 7.6
Legal Defense (Chemical Analysis, etc.)	61	20	81 4.3	10	14	24 1.8
Documented Request of Law Enforcement Agency	34	11	45 2.4	20	15	35 2.6
Documented Refusal or Reluctance of Victim to Prosecute	75	87	162 8.6	22	77	99 7.5
Exchange for Testimony Against a More Culpable Defendant	47	2	49 2.6	18	5	23 1.7
Improper Indictment as to Form	6	0	6 .3	5	0	5 .3
Improper Indictment as to Substance	46	2	48 2.6	10	6	16 1.2
Lack of Jurisdiction (Change of Law)	25	1	26 1.4	73	0	73 5.5
State's Evidence Legally Insufficient	191	76	267 14.2	87	97	184 14.0
Other	80	25	105 5.6	70	49	119 9.0
Total Defendants Against Whom Charges Were Stetted or Not Prossed	1409	476	1885	739	575	1314
Total Defendants Against Whom All Indictments Were Stetted or Not Prossed			1328			266
Total Defendants Against Whom All Informations Were Stetted or Not Prossed			55			181
Total Defendants Against Whom All Warrants Were Stetted or Not Prossed			337			299
TOTAL DEFENDANTS AGAINST WHOM ALL CHARGES WERE STETTED OR NOT PROSSED			1720			746

III. THE JUVENILE AND COURT SERVICES DIVISION

A. The Juvenile Offender—The Need for a New Approach

The Federal Bureau of Investigation in its *Uniform Crime Report for 1973* states that, "Forty-two percent of the persons processed for Crime Index offenses were young persons referred to juvenile court jurisdiction. Sixty-two percent of those processed for auto theft were juveniles. Juvenile referrals for burglary were 55 percent, larceny 39 percent, robbery 35 percent, forcible rape 22 percent, aggravated assault 17 percent, and murder 11 percent."

The above are persons charged not arrested. In Baltimore City, for the period January—June 1974, the *Maryland State Police Uniform Crime Report* states that of 33,539 arrests for all offenses except traffic, 12,480 or 37.2% were juveniles under age 18! Clearly, the juvenile offender has become a problem of major significance to law enforcement not only in numbers but in serious offenses.

Although the juvenile offender, if crime trends are accurate, is rapidly accounting for 50% of the nation's crime problem, our chief concern has been aimed at the adult offender. In most criminal justice systems the juvenile will be assigned a low priority in commitments of resources. This seems to be true in Maryland and we believe it to be one of the major failures of our criminal justice system. It portends grave consequences for the future for there is little doubt that the repetitive juvenile offender of today will become tomorrow's hardened criminal.

This Report is not designed to be a dissertation on the crime problem in Baltimore, but an accounting of our stewardship. However, we would be remiss if we did not point out that nowhere are the failings of the system more evident than in the juvenile area. We fail to see any improvements in the system, except perhaps in the administration of the juvenile caseload, which offer hope to reverse the trend of rising crime rates among juveniles. We ask ourselves, for instance, whether the Department of Juvenile Services receives the proper priority in the State Department of Health and Mental Hygiene? Whether the new federally funded programs display as much imagination in preventing juvenile crime as they do in rehabilitating the juvenile offenders? How long will it be before proper juvenile detention and treatment facilities are built? Whether the 16 or 17 year old offender, "street-wise" and capable of committing the most vicious crimes, belongs in the juvenile system?

The record of the prosecutor's office is just as dismal as that of the entire system in dealing with juvenile crimes. It was not until 1969, that a small number of prosecutors was assigned to represent the State in juvenile delinquency proceedings. In 1970, a federal grant enabled us to cover the expanded Juvenile Court and we established a Juvenile Division in the State's Attorney's Office. In 1971 and 1972, additional resources were committed and a Deputy State's Attorney was assigned to assist the

Juvenile Court in an analysis of its workload and to make recommendations to alleviate a growing backlog. The establishment of the Public Defender's Unit in Juvenile Court contributed greatly to solving the problem of finding adequate representation for the juveniles whose families are indigent. The workload problems have been resolved and the Juvenile Court seems to be capable of processing expeditiously an extremely large volume of cases requiring not only arraignments and adjudicatory hearings, but also waiver of jurisdiction, detention and disposition hearings. A team of prosecutors, public defenders and juvenile services personnel meet weekly with Judge Robert I. H. Hammerman to maintain effective working relationships in dealing with the massive workload.

The problem does not seem to be that of caseload management but one of preventing and treating juvenile crime in order to reduce its incidence. Its solution indicates a massive commitment by the Legislature, the schools, social and law enforcement agencies and citizen groups. It may well need a Governor's Commission established and devoted to the sole objective of reducing juvenile crime in Maryland with legal authority to implement and evaluate new techniques to deal with the problem.

Since February 1973, our office has been collecting statistics in order to gain some indication of prosecutorial performance in the Juvenile Court. In the twelve month period from February 1973 through January 1974, the Office charged 9,412 juveniles with delinquency. Of these, 1,891 juveniles were charged and requested detained pending trial and 938 had their cases closed at arraignment by either admitting the charges or having the State dismiss their cases.

During this same period, 5,091 juveniles who were not detained or closed at arraignment were tried as delinquents with the following results:

- 3% Waived to Criminal Court at the request of the State to be tried as adults
- 53% Found delinquent
- 9% Found not delinquent
- 35% Dismissed by the State

The 35% rate of dismissed cases is particularly alarming. It indicates that the State had insufficient evidence to proceed to trial, or victims refused to appear in court to testify. Although there are no figures available, it is well known to prosecutors that a large number of victims of juvenile crime refuse to take the time to appear in court to testify. This may be due to their reluctance to lose time from their jobs, fear of retribution by the offender or his friends, or disenchantment with a system which to them does not mete out adequate and swift punishment.

The so-called emergency petitions are reserved for juveniles whom the State requests be detained pending adjudication. These are juveniles who are repetitious offenders, or whom the State believes should not be at liberty pending trial. The results are as follows:

- 207 Admitted their offenses and were found delinquent
- 49 Dismissed by State
- 894 Detained pending trial

Arraignments of juveniles charged with delinquency yielded another alarming result as follows:

- 685 Admitted their offenses and were found delinquent
- 253 Dismissed by State
- 2713 Failed to appear for arraignments

The 2,713 juveniles who failed to appear for their initial arraignment represents a startling breakdown of the system. This does not mean that all of them have not been located and prosecuted. It does mean that an unacceptably large number of juveniles failed to appear for their first court appearance. It means that either their addresses appearing on the arrest reports were inaccurate, summonses were not delivered properly, neither they nor their parents understood the summons, or they ignored the summons. Obviously, the system is ineffective if such large numbers of juveniles are able to evade process, even if it is only temporary.

In defense of the system it must be noted that the addresses of juveniles are frequently inaccurate, they are subject to change between arrest and arraignment, and the Court must rely on postal delivery of summonses since it has no personal service. Without process servers to lay summonses in the hands of the parents or legal guardians of the juveniles, it is amazing that the Court is able to obtain jurisdiction of as many as it does. This is one area which requires immediate attention and probably a great deal of money.

The Office has nine prosecutors, one law clerk and five support personnel assigned to the one judge and seven masters of the Court. The law clerk is utilized to interview officers in emergency cases and screen offense reports prior to the preparation of petitions. It can readily be seen that there is an enormous amount of paperwork generated by a juvenile case and administrative problems are substantial. Although most of the administrative problems have been resolved, the Office is not only dissatisfied with the high rates of dismissals, but with the system as a whole.

The following chart shows that only 6,205 juveniles were adjudicated in the twelve month period, February 1973—January 1974, although 9,412 were charged. Considering the high rate of those who failed to appear for arraignment, there is no doubt that the difference is largely accounted for by juveniles who cannot be tried because we have not located them. The Court is capable of disposing all incoming workload if this problem can be resolved.

JUVENILE COURT STATISTICS

	12 Months Feb. 73 thru Jan. 74	6 Months Feb. 74 thru July 74
Juveniles Charged as Delinquents	9,412	5,540
Juveniles Adjudicated in Delinquency Hearings	5,091	3,167
Juveniles Adjudicated at Emergency Hearings	256	119
Juveniles Adjudicated at Arraignments	938	462
	<u>6,285</u>	<u>3,748</u>
Results of Adjudicatory Hearings:		
Waived to Criminal Court to be tried as Adults	172	194
Found to be Delinquent	2,693	1,509
Found not Delinquent	457	242
Dismissed by State	1,769	1,222
Results of Emergency Hearings:		
Admitted Offenses and Found Delinquent	207	104
Dismissed by State	49	25
Detained pending Trial	894	489
Results of Arraignments:		
Admitted Offenses and Found Delinquent	685	322
Dismissed by State	253	140
Failed to Appear	2,713	1,138

B. Court Services Section

The Court Services Section of the Division is staffed by four assistant state's attorneys. In addition to the supervisor of the section, one assistant is assigned to each of the functional areas of Court Services: Post Conviction; Defective Delinquency; and Paternity and Non-Support. The section also processes petitions for non-support against out-of-state persons under the Uniform Reciprocal Enforcement of Support Act (URESA).

The Post Conviction procedure is utilized by a defendant who alleges some procedural irregularity in his conviction. In addition, the assistant assigned to this function must represent the State at habeas corpus and bail hearings. Effective representation by the State at these hearings is essential, as failure to answer a petitioner's claims would be tantamount to handing him the keys to his cell. The Unit handles approximately 200 post conviction proceedings and approximately 150-200 habeas corpus and bail hearings per year.

Defective Delinquency is a unique feature of Maryland law which identifies selected repeat offenders who may have a psychological or psychiatric problem which contributes to the pattern of criminal activity.

After conviction of a crime, the defendant may be sent to Patuxent Institution for evaluation. If the staff of the institution finds that the defendant has a treatable problem associated with his criminality, he may be recommended for adjudication as a defective delinquent. The State's Attorney's Office prosecutes approximately 75 cases of alleged defective delinquency each year.

Finally, the Court Services Section is responsible for case processing and prosecution of criminal non-support and paternity. While no record is maintained on the number of cases in which the State's Attorney is consulted but settlement is reached before a court hearing, approximately 2,500 cases are disposed per year in a court hearing.

Thus, while the Court Services Section maintains a rather low profile in the criminal justice system, its importance should not be underestimated. Handling almost 3,000 cases per year in all the categories described above, the Court Services Section deals with some of the most difficult legal issues in the system. Since much of the work involves legal rather than factual issues, each case may often involve hours of research. In short, this section provides the necessary follow up and support without which much of the work of the other divisions would be valueless.

IV. THE DISTRICT COURT DIVISION

The District Court of Maryland operates eight criminal courts in Baltimore, as well as a number of traffic and civil courts. The criminal courts are non-jury tribunals located in the police districts trying primarily misdemeanor charges and holding preliminary hearings in felonies. They have jurisdiction of certain felonies, such as larceny under \$500 and concurrent jurisdiction with the Criminal Court for cases in which the penalty may be confinement for three years or more or a fine of \$2,500 or more.

The prosecutor's office has 17 assistants assigned to the eight courts of the Criminal Division of the District Court, and to two of its traffic courts trying serious moving offenses. There are usually two assistants in each of the heavy workload districts since a District Court prosecutor has little time to prepare a case and while he is trying one case, his cohort is talking to witnesses and preparing the other. The volume of cases is exceedingly high, but the Court is making efforts with the police to distribute caseloads evenly. These are basically neighborhood courts, decentralized and not amenable to centralized screening of cases by prosecutors.

For that reason, the Office centralized its screening of felony charges in its Criminal Court headquarters and instructions are passed to the District Court prosecutors as to what position to take on each felony at the preliminary hearing stage. The system seems to work well for felonies, but there is little or no screening of misdemeanors. Misdemeanor charges are placed by police officers making on-scene arrests or by District Court commissioners issuing warrants on citizen complaints. A prosecutor rarely has the opportunity to talk to the witnesses prior to the date of trial and, as a result, the *nol pros* and *stet* rates are extremely high.

The number of defendants granted probation without verdict is also high. It is well to realize, however, that many of the offenses in the Court are petty and judges are reluctant to give defendants criminal records if probation will serve a useful purpose.

One major goal of the Office is to provide twenty-four hour service to police officers and District Court commissioners in order to advise them on the sufficiency of evidence to make an arrest or issue a warrant. Attempts will also be made to establish screening units in each court in order to review misdemeanor cases with police officers prior to trial. This must be accomplished before the Office can accept the responsibility of deciding what charges are to be filed against persons committing misdemeanors. The workload and performance statistics for 1973 and the first six months of 1974 are as follows:

DISTRICT COURT STATISTICS

	1973	Six Months 1974
Felony Defendants at Preliminary Hearings:		
Charges Reduced and Tried as Misdemeanors	1,162	515
All Charges Dismissed	1,170	554
Held for Grand Jury	948	614
Preliminary Hearing Waived and Held for Filing of Criminal Information	<u>1,574</u>	<u>720</u>
Total Felony Defendants Disposed at Preliminary Hearing	<u>4,854</u>	<u>2,403</u>
Misdemeanor Defendants:		
Convicted	12,518	4,591
Acquitted	5,035	2,262
Probation w/o verdict or Drug Abuse Probation	3,609	2,743
Nolle Prosequi or Stet Entered	7,929	2,613
Prayed Jury Trial and Referred to Criminal Court	<u>1,387</u>	<u>1,011</u>
Total Misdemeanor Defendants Disposed	<u>30,478</u>	<u>13,220</u>
Total Defendants Processed	35,332	15,623

NOTE 1: The above data does not include dismissals of charges by the Court when defendants are committed to a hospital for evaluation or to an alcoholic treatment center.

NOTE 2: Discrepancies between the above and statistics reported by the District Court are due to the fact that prosecutors count defendants and District Court personnel count charges. However, consultations with District Court personnel indicate that the above tables are reasonably compatible with their data.

V. BALTIMORE IN THE SEVENTIES—A PROSECUTOR'S VIEWPOINT

As we approach the midpoint of the 1970's, it is well to look at what the future has in store for criminal justice in Baltimore, and particularly the State's Attorney's Office. The system in which the Office operates can be briefly described from data extracted from the 1974 *Comprehensive Plan* of the Maryland Governor's Commission on Law Enforcement and the Administration of Justice, the 1974 *Metropolitan Baltimore Region Comprehensive Criminal Justice Plan* of the Regional Planning Council, and crime index statistics released by the Baltimore City Police Department and the Maryland State Police.

These reports describe the City as having an area of 79 square miles with a 1970 Census population of 905,759, or 11,465 persons per square mile, with 53% of the population being white and 47% non-white. As of 1972, the City had 23.1% of the total population in Maryland and reported 37.1% of all major offenses. Most significant is the fact that the City accounted for 63.4% of all violent crimes in Maryland such as murder, non-negligent manslaughter, rape, robbery and aggravated assault!

A further breakdown of Index Crimes in Baltimore reported to the Federal Bureau of Investigation gives some comparative data for the last three and one-half years:

Total Reported Offenses By Type of Crime	1972	1973	Six Months 1974
Murder	330	280	136
Rape	465	499	215
Robbery	9,584	8,612	4,406
Aggravated Assault	6,365	6,415	3,034
Burglary	16,986	15,606	8,399
Larceny	27,804	25,795	14,434
Auto Theft	8,350	8,242	3,952
GRAND TOTALS	69,884	65,449	34,576

Although there was a slight decrease of total index crime of -6.3% from 1972 to 1973, the first six months of 1974 shows an increase of +16% when compared to the first six months of 1973.

Arrest data published by the Maryland State Police for all offenses except traffic reveals 21,059 adults and 12,480 juveniles (37%) arrested in Baltimore City during the first six months of 1974.

National rankings are of dubious value when comparing crime rates in the nation due to differences in the population makeup, methods of enforcement and reporting of crime. However, an appreciation of Baltimore's crime problem can be gained from the *F.B.I. Uniform Crime Reports—1972*, which showed the Baltimore Metropolitan area 13th in population among the 227 metropolitan areas listed, and second in violent crime rate, 64th in property crime rate and 28th in total offense rate.

The above statistics give us some concept of the magnitude of the crime problem facing law enforcement agencies in Baltimore. The crucial question to us is—What can a prosecutor do to reduce crime? His function is not to arrest violators, but to prosecute them. He has no power to prescribe how citizens and law enforcement agencies are to prevent crime. His investigatory powers are limited to the review and gathering of evidence in conjunction with law enforcement agencies in order to determine what charges are to be filed against offenders. Until recently, the Office had only seven police officers assigned to its staff for liaison purposes. These have been augmented with the assignment of seven officers to the Narcotics Strike Force and the hiring of six full time investigators for High Impact crimes and the Major Frauds Unit.

Nevertheless, there are important roles for the prosecutor in the attack on crime. They are:

1. He must place his house in order so that he can swiftly and effectively bring offenders to trial. Although only the courts can determine how they are to be treated upon conviction, the prosecutor has an influential voice in punishment alternatives;
2. He can institute and participate in cooperative ventures with other agencies to deal with criminals more effectively;
3. He can recommend legislation when he believes that current laws are ineffective;
4. He can point out system inadequacies and bring them to the attention of those agencies which can correct them;
5. He can recommend priorities to which all agencies can address themselves so that limited resources can be more effective;
6. He can be a leader in educating the community as to what are the causes of crime and what the community must do to eliminate such causes;
7. As the only elected law enforcement official in Baltimore, he is the chief policy maker of the executive branch of government in matters of criminal justice.

We believe that this Office is in order and able to deal with the crime problems of Baltimore in 1974. It has a professional staff and the resources to bring offenders to trial swiftly and effectively. In order to maintain a truly professional staff, changes must be made in the immediate future to guarantee tenure for career-minded prosecutors. Few professional men desire to face the uncertainties of changing administrations every four years. This is the fundamental problem to which the citizens of Maryland must address themselves in determining what kind of prosecutor's office they wish to have. It is more important than the question of whether a State's Attorney is elected or appointed. For years, California has had the elected prosecutor system, but most of its offices are manned by career prosecutors because they are merit system employees.

The merit system does not solve all problems. In fact, it has been known to create problems of stagnation and promote the retention of unresponsive public servants. However, it does guarantee a competent employee tenure in the face of turbulent changes in agency structure caused by the political process.

This Report is not designed to be a position paper on the controversial issue of whether to elect or appoint the chief prosecutor. The issue will soon be before the Legislature where it properly belongs. However, no one looking at the State's Attorney's Office in the 1970's can discount the need for providing some protection for the professional career-minded staff.

This Administration has participated in a number of cooperative ventures with other agencies to improve the criminal justice system. Among them are the Narcotics Strike Force and Violent Crimes Liaison programs with the Police Department; the High Impact Program with the Supreme Bench; the Economic Crimes Program (Major Frauds Unit) with other prosecutors' offices throughout the country; and Project FOUND with other city manpower agencies. There is a need to expand cooperation in the areas of welfare fraud, child abuse, non-support, witness assistance, and sex offenses. The criminal justice agencies have learned that cooperation is not enough; actual compacts are required with long range commitments. In the area of legislation there is little doubt that in the next few years we will not only see some changes in the prosecution function; but there will also be some attempts to deal with the proliferation of weapons available to youthful offenders, to come to grips with the death penalty, repeat offenders and juvenile crimes.

We are particularly interested in the juvenile problem as we previously stated in this Report. We believe it to be the key to the future; that no real impact can be made on crime reduction unless we identify and treat youthful offenders before they become adult criminals. It is our opinion that Maryland does not have proper facilities to treat juveniles who have committed serious crimes. Simply treating 16 and 17 year olds as adults does not answer the problem since they will then become incarcerated in adult institutions.

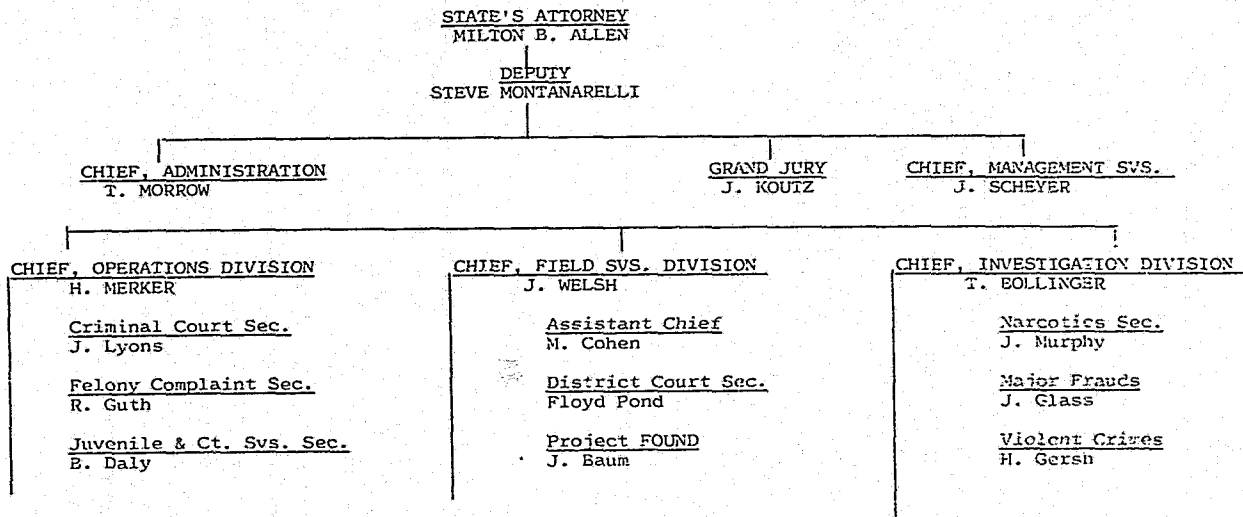
We can foresee some legislation to specialize the treatment of 16 and 17 year olds who are on the brink of criminal careers. This may well be the group which deserves the most attention.

Another major concern of this Office is the present pre-trial release system which seems to focus on the defendant's economic status in the community and not his danger to the community. We do not believe that the citizens of Maryland will tolerate individuals accused of violent crimes released on low bails or their own recognizance pending trial. We advocate and hope to see a system whereby the prosecutor is permitted to convince the court that a defendant represents a danger to the community and must be incarcerated pending trial. This is popularly known as preventive detention. We believe that it can be implemented with proper safeguards to the individual accused of crime.

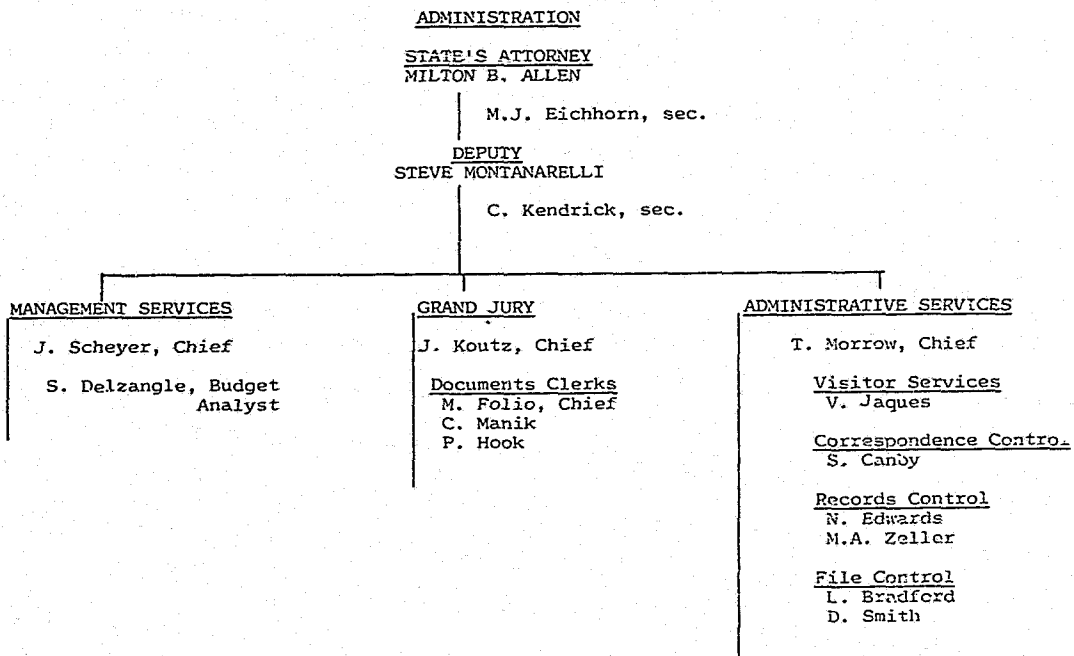
There are some hopeful advances being made in computerization of criminal histories and case management. Instantaneous retrieval of an offender's criminal history and the status of his case is critical to effective prosecution.

We believe that we have started a good thing in our attempt to divert first offenders from the criminal justice system. The idea is not original, but it makes good sense. Our Project FOUND is as good a program as there is in the nation and should be expanded. If we can successfully divert 1,000 first offenders each year from further trouble with the law, we believe that to be a major achievement.

This Report is not all encompassing, but it does focus on the major achievements of the Allen Administration. The primary objective of this Administration has been to give Baltimore a first class prosecutor's office for the Seventies. We believe that this goal has been achieved. Where we go from here depends on many factors and some forces beyond our control. But, in the final analysis, a community receives the type of prosecution which it demands. We hope that this Report not only tells the citizen what a prosecutor's office is, but what it should be.



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END