


MEMORANDUM

TO: APRIL FRAZIER

FROM: PATRICIA C. JESSAMY 

RE: DRUG COURT MANUAL & PRESENTATION MATERIALS

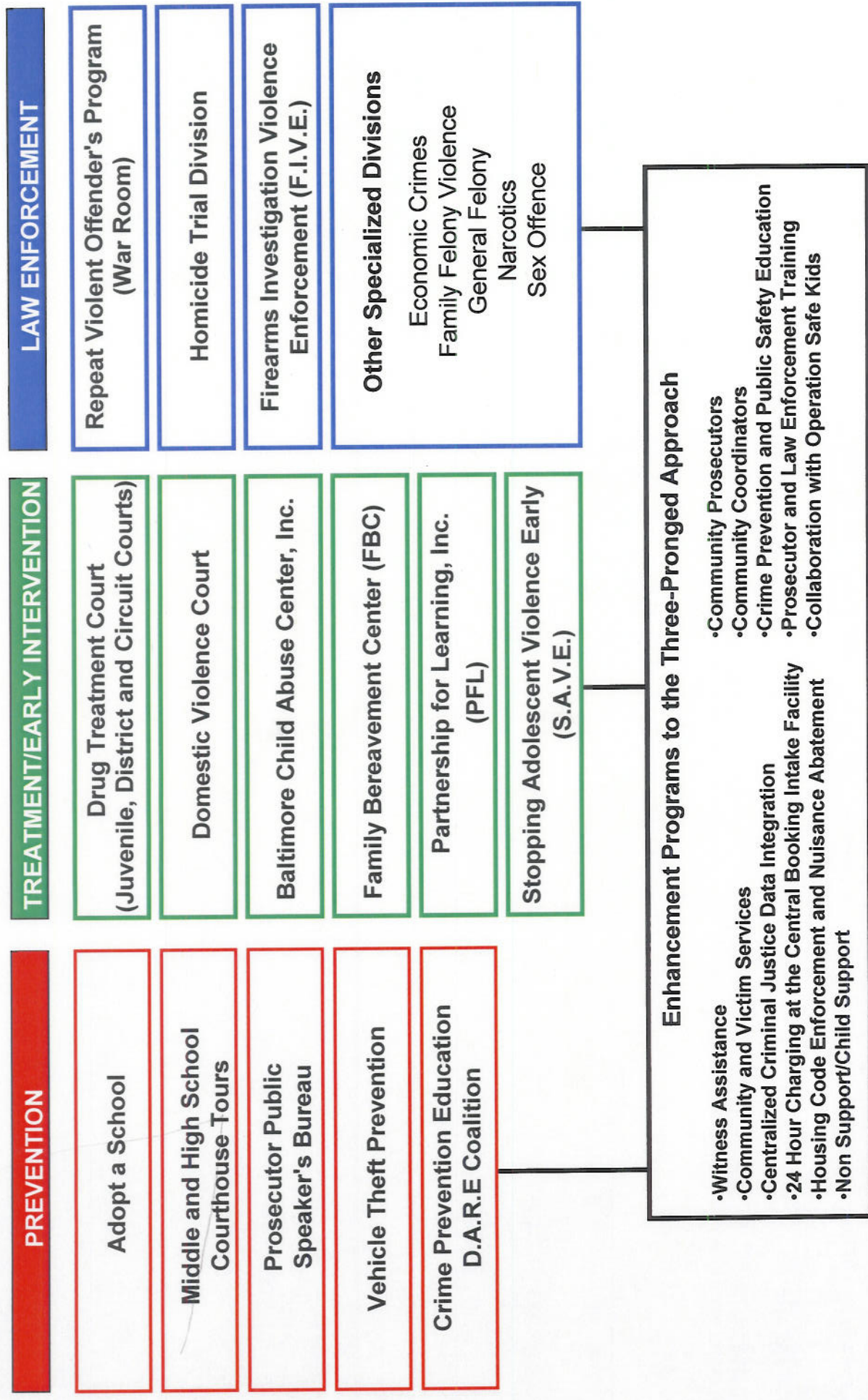
DATE: MARCH 27, 2006

Sorry for the delay, but wanted to make sure the Drug Treatment Court Manual was the most updated copy. Please find attached the following :

1. An outline of my presentation on March 3, 2006
2. Baltimore City Drug Treatment Court "Step Up And Step Out" Substance Abuse Treatment Education Program Procedures Manual
3. Three-Pronged Approach to Crime; Prevention, Treatment/Early Intervention, and Law Enforcement Initiatives.
4. Copy of my testimony in support of HB64 (SB598) calling for automated expungement of records for individuals arrested without charge. (It appears that all expungement legislation is dead this year).

Please e-mail or call if you have any questions.

State's Attorney Patricia C. Jessamy's Three-Pronged Approach to Crime





BALTIMORE CITY STATE'S ATTORNEY'S OFFICE

HOUSE JUDICIARY COMMITTEE HEARING ON H.B. 64

Expungement of Police Records

February 8, 2006

Testimony of
Patricia C. Jessamy, State's Attorney

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February 8, 2006

The Honorable Joseph F. Vallario, Jr., Chairman
House Judiciary Committee
Lowe House Office Building
Annapolis, MD

EXPUNGEMENT OF POLICE RECORDS
(Testimony in Support of HB 64)

Chairman Vallario and Members of the House Judiciary Committee:

Good afternoon. I am Patricia Jessamy, State's Attorney for Baltimore City and I am here today to urge your support and favorable consideration of House Bill 64. Thank you for the opportunity to appear and testify on this very important legislation that has the potential to improve the lives of thousands of citizens. More importantly, it addresses the need in our community for justice and fairness as we work together to build strong neighborhoods, and rehabilitate families and friends towards a mutual goal of having every individual participate as a productive member of our community, through employment and home ownership.

The proposed legislative reforms regarding the expungement process, as outlined in House Bill 64, address the impediment that occurs to individuals who are released without charge (RWOC) following an arrest that is declined by prosecutors and not formally approved for charging following a legal review by prosecutors. In most instances, these cases represent relatively minor quality of life crimes or infractions such as loitering or open container. For example in 2005 prosecutors declined to charge:

- 4,371 open container cases that were abated by arrest;
- 1,968 disorderly conduct cases that were abated by arrest;
- 1,032 urinating in public cases that were abated by arrest;
- 7,510 loitering cases that the State could not prove;
- 4,437 CDS cases that the State could not prove;
- 1,832 trespassing cases that the State could not prove.

Despite the prosecutorial decision not to proceed in these cases, the arrest charge remains a part of an individual's criminal record in CJIS and can follow an individual's future and unfairly influence their personal or professional endeavors. Currently, these charges remain unless removed by expungement. This process is very tedious and one that an individual must engage proactively. This legislation will allow for the AUTOMATIC expungement of all police records relating to an arrest that was not charged for prosecution and change the guidelines for applying for expungement.

Last year, the State's Attorney's Office declined to prosecute over 25,000 of the 76, 000 on-view arrests by police officers reviewed by prosecutors, or about 1 in 3 on-view arrests. These cases were declined for prosecution after a prosecutor at the Central Booking and Intake Facility (CBIF) Charging Division provided a legal review and found that:

- the case was abated by arrest, which means that the arrest action of the police officer abated or eliminated the crime and the criminal conduct ceased
- the case cannot be proved because of one of several possible factors
- the case involved a juvenile and the adult criminal justice system did not have jurisdiction

In these cases, I believe that the proposed change in our expungement statute will benefit our community, while respecting the rights of our citizen to remove the taint of an arrest where the state did not proceed and individuals are released without charge (RWOC). The benefits of this legislation for employment and an individual's future far outweigh any public safety risk

It may be helpful to quickly summarize a historical overview of how the State's Attorney's Office (SAO) assumed charging authority for all on-view arrests by Baltimore Police Officers.

Currently the SAO assigns prosecutors and paralegals on a rotating basis – 24-hours a day/365 days a year - to the Charging Division of the SAO, located on the 2nd floor of CBIF. Prosecutors provide an immediate legal review of all "on-view" arrests once an arresting officer has completed an application for criminal charges. This function began in June 1999 as a pilot project involving 4 of the 9 police districts, 5 days a week. In July 2000, prosecutors assumed full responsibility for a legal review of all "on-view" arrests by police officers, in all 9 police districts, 24-hour a day/ 365 days a year.

These "on-view" arrests include mostly misdemeanors and "quality of life" crimes. Following a legal review, if prosecutors determine that the criminal allegation is legally sufficient, prosecutors "lock-in" the criminal charge in the Automatic Booking System (ABS) and the suspect is processed to see a court commissioner and for bail review. In approximately 30% of all "on-view" arrests in 2005, prosecutors declined to charge the criminal allegations as previously outlined above. The number of cases

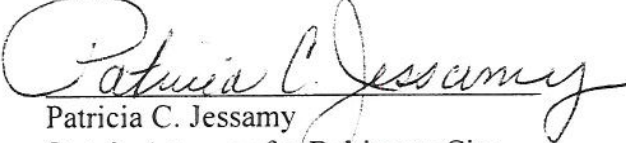
System (ABS) and the suspect is processed to see a court commissioner and for bail review. In approximately 30% of all "on-view" arrests in 2005, prosecutors declined to charge the criminal allegations as previously outlined above. The number of cases "declined" or "released without charge" has steadily increased since the SAO assumed charging authority in July 1999 (partially) and July 2000 (fully).

Over the past five years, the numbers of cases reviewed by prosecutors has grown from an average of about 3,000 cases per month to about 6,000 cases per month with a high of 8,964 in August 2005. I have included in your information today, a detailed annual summary for 2005 and monthly totals of unaudited declinations by type of offense.

It is important to note that each arrest represents an individual charged and not separate incidents. For instance, I have an example of 5 co-defendants arrested on a loitering charge that ultimately was determined to be legally insufficient. The cases against all five (5) co-defendants were declined, and although these cases arise from one incident, all five declinations are included in the statistics that you have been provided because all five (5) defendants were arrested, all five (5) processed through CBIF and all five (5) assigned separate tracking numbers.

In closing, this is a matter of fairness that must be addressed and resolved for our citizens, so that they can embrace employment and home ownership and build a brighter future for Baltimore.

Respectfully submitted,


Patricia C. Jessamy
State's Attorney for Baltimore City