

D15A05.21
Criminal Justice Coordinating Council

Operating Budget Data

(\$ in Thousands)

	<u>FY 02</u>	<u>FY 03</u>	<u>FY 02-04</u>		<u>FY 04-05</u>	
			<u>FY 04</u>	<u>Change</u>	<u>FY 05</u>	<u>Change</u>
Grants	\$400	\$383	\$231	-\$169	\$236	\$4
General Funds	250	233	81	-169	0	-81
Judiciary AOC Grant	150	150	150	0	0	-150
Adjusted General Funds	\$400	\$383	\$231	-\$169	\$0	-\$231
Executive Branch GOCCP Grant	0	0	0	0	86	86
Judiciary Branch AOC Grant	0	0	0	0	150	150
Reimbursable Funds	\$0	\$0	\$0	\$0	\$236	\$236
Adjusted Grand Total	\$400	\$383	\$231	-\$169	\$236	\$4

GOCCP = Governor's Office of Crime Control and Prevention
AOC = Administrative Office of the Courts

Note: The Judiciary \$150,000 grant is treated as general funds in fiscal 2001 through fiscal 2004. The budget presentation in the above table assumes that the fiscal 2005 Judiciary \$150,000 grant will be treated as a reimbursable fund consistent with the treatment of the GOCCP grant in fiscal 2005.

- Cost containment reduced the Criminal Justice Coordinating Council (CJCC) grant \$12,000 in fiscal 2003 and \$6,600 in fiscal 2004.
- The GOCCP fiscal 2005 allowance includes a general fund grant of \$81,400 which is reflected in the CJCC budget as a reimbursable fund.
- The Judiciary budget provides an additional \$150,000 to support CJCC in fiscal 2005.

Note: Numbers may not sum to total due to rounding.

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Personnel Data

- The Executive Director position of CJCC has been vacant since December 31, 2003.

Although the council receives no State positions for personnel, the funds from the Executive and Judicial Branches of government are used to support the salaries and health insurance benefits of a director, a secretary, and temporary and part-time employees of the council. The position of director is currently vacant.

Analysis in Brief

Major Trends

Crime Rates in Baltimore City: The overall violent crime rate in Baltimore City has declined since 1999 except for homicides, but arrests in calendar 2003 were up from the previous year.

Violent Offenders: Arrests and indictment of violent offenders has increased in 2003 from the prior year.

Issues

War Room and Targeting of Most Violent Offenders: The War Room Initiative was implemented in September 2003. **It is recommended that CJCC participants comment on the War Room and other initiatives to target the most serious and repeat violent offenders.**

Jury Trial Prayers: Jury Trial Prayers currently account for 40% of circuit court criminal cases. **It is recommended that CJCC participants comment on the impact of the recommendations of the Jury Trial Task Force and what measures can be taken if the recommendations of the task force are rejected?**

Judiciary Grant: The Judiciary AOC budget provides a \$150,000 general fund grant to CJCC. **It is recommended that the Judiciary general fund grant be reflected in the CJCC budget as additional reimbursable funds to fully account for all CJCC funds.**

Recommended Actions

1. Concur with Governor's allowance.

Updates

Night Court: The Judiciary and CJCC have recommended against Night Court for Baltimore City.

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Operating Budget Analysis

Program Description

The Criminal Justice Coordinating Council for Baltimore City (CJCC) is an *ad hoc* group composed of the heads of various city, State, and federal agencies providing criminal justice services to Baltimore City. Since March 1999, CJCC has held public monthly meetings to address systemic reforms of the Baltimore City criminal justice system. Participants at these meetings generally include the Mayor of Baltimore City, the administrative Judge of the Circuit Court of Baltimore City criminal docket, the State's Attorney of Baltimore City, the U. S. District Attorney, the Secretary of the Department of Public Safety and Correctional Services, the Baltimore City Police Commissioner, the Director of Pre-trial Detention Services in Baltimore City, the Public Defender in Baltimore City, and the Governor's legal counsel or their direct representatives.

Fiscal 2004 Actions

Impact of Cost Containment

Cost containment reduced the fiscal 2004 budget \$6,600 to a \$81,400 working appropriation. The council also received a \$150,000 grant from the Judiciary's Administrative Office of the Courts (AOC). CJCC now has \$231,400 after cost containment.

Governor's Proposed Budget

The fiscal 2005 allowance includes \$85,500 for CJCC as a grant from the Governor's Office of Crime Control and Prevention (GOCCP) recorded as reimbursable funds. In addition, the Judiciary's AOC fiscal 2005 budget includes a \$150,000 grant to CJCC. The proposed budget in **Exhibit 1** includes the Judiciary funds. No breakdown is provided for the proposed allowance in fiscal 2005.

Exhibit 1
Governor's Proposed Budget
Criminal Justice Coordinating Council
(\$ in Thousands)

	<u>FY 03</u> <u>Actual</u>	<u>FY 04</u> <u>Approp.</u>	<u>FY 05</u> <u>Allowance</u>	<u>FY 04-05</u> <u>Change</u>	<u>FY 04-05</u> <u>% Change</u>
General Funds	\$233	\$81	\$0	-\$81	-100.0%
Judiciary AOC Grant	150	150	0	-150	
Adjusted General Funds	\$383	\$231	\$0	-\$231	-100.0%
Executive Branch GOCCP Grant	\$0	\$0	\$86	\$86	n/a
Judiciary Branch AOC Grant	0	0	150	150	n/a
Adjusted Reimbursable Funds	\$0	\$0	\$236	\$236	n/a
Adjusted Grand Total	\$383	\$231	\$236	\$4	1.8%

Where It Goes:

Other Changes

Grant from GOCCP \$4

Total **\$4**

Note: Numbers may not sum to total due to rounding.

Issues

1. War Room and Targeting of Most Violent Offenders

CJCC has been in existence since 1999 and is a case study in group dynamics. In the past, CJCC chaired by the Baltimore City Circuit Court Judge in charge of the criminal docket has resembled a captain with a mutinous crew. More recently all participants have begun to realize that they are in the same boat together and if they do not row together there is no way they will reach shore. The War Room initiative, with timely assistance from GOCCP and the Governor's legal counsel, has brought the parties together to focus on the most violent criminals in Baltimore City.

The War Room, implemented in September 2003, is a program of electronic information sharing for the identification and tracking of the most violent offenders in Baltimore City. Representatives from the Police Department, State's Attorney, Pretrial Detention Services, Public Defender, Parole and Probation, and the courts staff the War Room on a two-shift 16-hour basis. Prior to the War Room project, the sharing of information between and among the criminal justice community was difficult if not impossible because of the many different tracking systems in place and the separate but uncoordinated agenda of participants in the criminal justice system. The War Room initiative will insure that the most violent offenders, responsible for most of the drug related criminal activity, will be closely monitored and when they step out of line will be quickly apprehended and brought to justice. The War Room initiative will insure that repeat violent offenders get priority throughout the criminal justice system.

Exhibit 2 indicates that serious Part I Crime has declined in Baltimore City since 1999 and from 2003 compared to 2002. One notable exception is homicides, which increased in 2003 from the 2002 level. It should be noted that there is an increase in on-scene arrests in 2003 compared to 2002. The Police Department and the Mayor of Baltimore have a program to issue criminal citations for the less serious "quality of life" offenses as one initiative to lower the threshold of nuisance misdemeanor crimes without clogging up pre-trial detention with persons who cannot make bail for minor offenses.

The Exhibit 2 data also suggests a marked caseload decline in the early resolution (ER) and quality case (QC) review process in the District Court. ER and QC both had the objective of reducing the pretrial detention population by expediting early settlement of less serious drug and other minor criminal offenses. ER, also known as drug court, promotes advanced treatment and education for persons arrested for less serious marijuana use and simple possession of other controlled dangerous substances (CDS) where the defendant does not have a long prior record of drug offenses.

It is recommended that the CJCC participants comment on these trends. Are fewer ER/QC cases the product of the emphasis on issuing police citations rather than criminal arrest charges or has the pool of persons eligible for ER/QC consideration declined because the police are picking up more repeat offenders who have already been through the ER/QC process?

Exhibit 2
Baltimore City Criminal Justice Statistics
Fiscal 1999, 2002, and 2003

	<u>1999</u>	<u>2002</u>	<u>2003</u>
Part I Crime (through November 18)			
Homicide	242	219	224
<i>Shootings (Note 1)</i>	<i>863</i>	<i>534</i>	<i>483</i>
Forcible Rape	303	136	158
Robbery	7,232	4,394	3,899
Aggravated Assault	9,700	7,561	6,092
Burglary	11,079	7,509	6,498
Larceny	33,316	23,375	19,023
Auto Theft	6,330	5,833	6,068
Arson	302	328	268
Total Part I Crime (Note 1)	68,504	49,355	42,230
Violent Crime	17,477	12,310	10,373
Property Crime	51,027	37,045	31,857
Common Assault & Minor Sex Offenses	17,507	13,002	8,179
Total Crime	86,011	62,357	50,409
Arrests (through November 18)			
Homicide		196	155
Rape		88	76
Robbery		688	591
Aggravated Assault		1,067	950
Burglary		943	984
Larceny		3,332	3,029
Auto theft		1,095	966
Arson		61	89
Narcotics – Felony		6,280	7,524
Narcotics – Misdemeanor		16,863	16,185
Subtotal Arrests		30,613	30,549
Other		49,606	53,831
Total Arrests		80,219	84,380

Note 1: Total does not include shootings but shootings are included in each Part 1 Crime.

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	<u>1999</u>	<u>2002</u>	<u>2003</u>
State's Attorney (through October)			
Felony CDS Grand Jury Indictment		1,648	2,469
Five Unit Gun Convictions (Six Months through July 31)			
Handgun Conviction Cases Circuit Court		52	80
Violence Cases Circuit		125	87
Handgun & Violence Cases District Court		92	78
Federal Project Disarm (through October)			
Cases Forwarded to Feds		150	415
Accepted	132	74	200
Declined		76	209
Pending		69	65
Indictments	112	66	181
Early Resolution District Court (Nine Months through September)			
Quality Case Review/ER CBIF Part 40		3,264	2,138
ER Part 7		5,171	3,573
Citations		1,162	6,985
State's Attorney Declines		17,450	9,645
Total Cases		27,047	22,341

Source: Mayor's Report to Criminal Justice coordinating Council November 2003

On the other hand, the State's Attorney data suggests a marked increase in more serious felony prosecutions. CDS grand jury indictments and serious felony handgun convictions have both increased in 2003 compared to the prior year. The State's Attorney Fire Arms Investigation (Five) Unit convictions increased from 52 to 80 for the first seven months of 2003 compared to 2002. This statistic coupled with the nearly three-fold increase in cases forwarded to and indicted by federal prosecutors under "Project Disarm" are indicative of the increased emphasis on prison for the most violent defendants responsible for the most serious criminal activity in Baltimore City. The War Room initiative should increase these numbers.

2. Jury Trial Prayers

Exhibit 3 indicates that Jury Trial Prayers (JTP) currently account for 40% of the Baltimore City Circuit Court criminal docket. A JTP occurs when a defendant charged with a misdemeanor or less serious felony offense in District Court requests a jury trial. A criminal defendant's request for a jury trial that is made in the District Court has the effect of divesting the District Court of jurisdiction to conduct a trial, and the case is transferred to the appropriate circuit court. Obviously, a jury trial request effectively decreases the workload of the District Court and increases the workload of the circuit court to which the case is transferred. However, the increase in the circuit court's workload is not completely offset by the corresponding decrease in the District Court's workload because of the need to have jurors available and make scheduling adjustments, even if, as is usually the case, a plea agreement is eventually reached after the transfer of the case and a jury trial is never actually conducted.

The extent to which judicial resources are devoted to handling JTPs from the District Court adds to the overall workload of the criminal justice system. In Baltimore City currently three circuit court judges are assigned five days a week to hear these cases. JTPs place an undue burden on both the Baltimore City District and circuit court criminal dockets where the vast majority of jury trial prayers are criminal cases. In Baltimore City between 90 and 96% of jury trial cases are criminal cases, contrasted with the mix statewide, which ranged between 70 and 74% over the last four years. Even in the four largest counties (Anne Arundel, Baltimore, Montgomery, and Prince George's), the mix of jury trial prayers ranged between 54 and 75% criminal cases with the balance motor vehicle cases.

Jury trial prayers serve a defendant's interest by delaying trial in a crowded criminal docket to encourage a plea offer from the State's Attorney. Because so few JTPs from the District Court actually result in a jury trial, various legislative and judicial mechanisms have evolved over the past several decades to minimize the volume of cases transferred from the District Court to the circuit court. A statute was enacted that allowed a District Court judge, on recommendation by a State's Attorney, to limit the maximum possible penalty of incarceration that could be imposed and require the defendant to be tried in the District Court notwithstanding a request for a jury trial. Following the trial in the District Court, a defendant who was found guilty still could obtain a jury trial by filing an appeal to the appropriate circuit court where the appeal would be de novo (i.e., as if the District Court trial had never occurred).

As the result of a series of decisions by the Court of Appeals of Maryland, the statute that allowed a defendant to be denied the right to a jury trial "in the first instance" was found unconstitutional as applied in several types of cases that make up a fairly large portion of the caseload of the District Court. After the failure of legislative attempts to propose an amendment to the Maryland Constitution to reverse those case decisions, several of the largest jurisdictions initiated "instant jury

Exhibit 3
Criminal Case Filings Baltimore City Verses State
Fiscal 1999 – 2002

	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
Statewide				
District Court Criminal Filings	213,343	204,642	183,812	196,288
Circuit Court Criminal Filings	72,123	73,680	78,028	77,750
Jury Trial Prayers (JTP)	28,244	30,333	31,766	33,896
JTP Excluding Motor Vehicle Cases	20,701	22,447	22,127	24,631
JTP % Non-motor Vehicle	73%	74%	70%	73%
JTP Non-motor Vehicle % of Criminal Docket	29%	30%	28%	32%
Baltimore City				
District Court Criminal Filings	86,964	80,589	65,959	76,406
Circuit Court Criminal Filings	24,464	25,710	26,847	25,378
Jury Trial Prayers (JTP)	7,511	8,625	8,630	10,621
JTP Excluding Motor Vehicle Cases	7,196	8,300	8,112	10,036
JTP % Non-motor Vehicle	96%	96%	94%	94%
JTP Non-motor Vehicle % of Criminal Docket	29%	32%	30%	40%

Source: Maryland Judiciary Statistical Abstract

trial” programs to discourage those jury trial requests made only for the purpose of delay. Under the instant jury trial programs, a case transferred to a circuit court because of a JTP was scheduled for trial as early as the same day as the request.

For most of the 1990s, the instant jury trial programs were credited by the judiciary with contributing to a decline in jury trial prayers in the District Court. However, beginning in fiscal 1998 and for each year through fiscal 2002, the number of jury trial prayers significantly increased.

A joint committee composed of representatives from the judicial, legislative, and executive branches was formed in August 2003 to study the issue of jury trial prayers from the District Court and make recommendations. The *Ad Hoc* Committee on Jury Trial Prayers has recommended legislation to establish “A” and “B” categories for certain misdemeanors with one carrying the present statutory penalty and the other limiting the penalty to less than 90 days imprisonment and/or fine of less than \$500 based upon the discretion of the State’s Attorney who would be required to provide notice to the defendant of that intention 10 days prior to the trial date. Another recommendation would be to limit the right to a Jury Trial Court in de novo appeals from the District Court to the circuit court in which the maximum penalty is less than 90 days imprisonment.

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It is recommended that CJCC participants comment on the impact of the recommendations of the *Ad Hoc* Jury Trial Task Force if implemented and what measures can be taken if the recommendations of the task force are rejected.

3. Judiciary Grant

The Judiciary AOC includes a \$150,000 grant to CJCC. The GOCCP grant to CJCC is treated as a reimbursable fund in the CJCC budget. **It is recommended that the AOC grant to CJCC be included in the CJCC budget as a reimbursable fund for consistency and full disclosure of CJCC resources in the budget books.**

Recommended Actions

1. Concur with Governor's allowance.

Updates

1. Night Court

Budget bill language added to the CJCC fiscal 2004 appropriation requested the Judiciary and CJCC to submit a feasibility plan by July 1, 2003, for extended operating hours for the Circuit Court of Baltimore City. The required report was submitted and reviewed by the budget committees. The Judiciary and CJCC have rejected the proposal for extended hours or “night court” because of the \$1.8 million projected cost of implementing night court. Another disadvantage cited was that few felony trials are finished in a single day. A criminal motions docket to expedite pre-trial plea bargains and guilty pleas was proposed as an alternative to night court.

Current and Prior Year Budgets

Current and Prior Year Budgets Criminal Justice Coordinating Council (\$ in Thousands)

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2003					
Legislative Appropriation	\$245	\$0	\$0	\$0	\$245
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	0	0	0	0	0
Cost Containment	-12	0	0	0	-12
Reversions and Cancellations	0	0	0	0	0
Actual Expenditures	\$233	\$0	\$0	\$0	\$233
Fiscal 2004					
Legislative Appropriation	\$88	\$0	\$0	\$0	\$88
Cost Containment	-7	0	0	0	-7
Budget Amendments	0	0	0	0	0
Working Appropriation	\$81	\$0	\$0	\$0	\$81

Note: Numbers may not sum to total due to rounding.

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Fiscal 2003

Cost containment of \$12,000 in fiscal 2003 and \$6,600 in fiscal 2004 is reflected in the adjustments.

**Object/Fund Difference Report
Criminal Justice Coordinating Council**

<u>Object/Fund</u>	<u>FY03 Actual</u>	<u>FY04 Working Appropriation</u>	<u>FY05 Allowance</u>	<u>FY04 - FY05 Amount Change</u>	<u>Percent Change</u>
Objects					
12 Grants, Subsidies, Contracts	\$ 233,000	\$ 81,400	\$ 85,500	\$ 4,100	5.0%
Total Objects	\$ 233,000	\$ 81,400	\$ 85,500	\$ 4,100	5.0%
Funds					
01 General Fund	\$ 233,000	\$ 81,400	\$ 0	-\$ 81,400	-100.0%
09 Reimbursable Fund	0	0	85,500	85,500	N/A
Total Funds	\$ 233,000	\$ 81,400	\$ 85,500	\$ 4,100	5.0%

Note: The fiscal 2004 appropriation does not include deficiencies, and the fiscal 2005 allowance does not reflect contingent reductions.