



The Honorable Bill Ferguson  
President of the Senate  
State House, H-107  
100 State Circle  
Annapolis, MD 21401 – 1991

CC: Speaker Adrienne A. Jones

February 26, 2020

Dear Senate President Ferguson:

Thank you for your letter dated February 17, 2020. I appreciate your patience as my office gathered the information you requested.

Before I detail the data, please allow me to make a few observations based on our conversation last week. There have been a number of false misconceptions and intentional misrepresentations about my office's conviction rate and our approach to violent crime. As you are aware, in September 2019, Governor Hogan sent a letter to Attorney General Frosh. The letter was the basis for the Governor's push to grant Mr. Frosh twenty-five new prosecutor positions to prosecute crime exclusively in Baltimore City. The Governor wrote, "*far too often in Baltimore City, violent offenders get a slap on the wrist and are released back out onto the streets to commit yet another violent offense.*"<sup>1</sup> He also accused my office of obtaining a *nolle prosequi* in too many cases and handing out lenient plea deals. As you will see from the data below, the Governor's claims are demonstrably false, and the Governor's case for providing Mr. Frosh with more prosecutors is built on a premise that would be laughed out of any Baltimore City courtroom.

As for my office's conviction rate, I have always said that my prosecutors must be guided by justice, not convictions, and that we do not see a conviction rate as a metric of success. Nonetheless, conservatives have distorted data to give a misleading picture of my conviction rate to the public. Recently, former Newt Gingrich staffer, Sean Kennedy, claimed in the Wall Street Journal that, "*Between 2015 and 2018, fewer than 1 in 6 charged murderers in Baltimore earned a prison sentence. Ms. Mosby has lost or dropped 43% of her homicide cases.*"<sup>2</sup> This assertion is also false. Our office's **conviction rate** for the period Mr. Kennedy highlighted actually **averages 82%**. Our office **nolle prossed and/or steted an average of 9% of homicide cases and an average of 17% of cases resulted in a not guilty verdict** for that period. Mr. Kennedy has also wrote in the Washington Post that "*In 2018, more than a third of illegal gun cases were*

<sup>1</sup> <https://htv-prod-media.s3.amazonaws.com/files/ltrtoag-1568848254.pdf>

<sup>2</sup> <https://www.wsj.com/articles/the-wire-is-finished-but-baltimore-still-bleeds-11581119104>



*dismissed by Mosby's office altogether....she loses, defers or pleas down the charges in another 50 percent, avoiding the mandatory minimum in state law. In only 18 percent of cases are gun crime defendants found guilty. And even those who are convicted see little to no jail time. Of the nearly 8,600 charges filed for "felon in possession of a firearm" offenses across Maryland in 2019, only 505 went to prison for gun offenses — fewer than one out of every 17 charged"*<sup>3</sup> None of this is true. Per Mr. Kennedy's citations, he appears to have misconstrued data from a Department of Legislative Services document, adding together circuit and district court firearm charges (which do not equate to cases), and looking at DOC intakes rather than realizing that this data doesn't include local jail populations.<sup>4</sup> Nevertheless, Mr. Kennedy's misleading information has been circulated widely by Maryland Republicans, including Governor Hogan.<sup>5</sup> I hope they will all be willing to correct the record.

Mr. Kennedy and Governor Hogan seem to have trouble understanding what constitutes a conviction, and seem to conflate convictions with dropped cases, charges and/or counts. The Oxford English Dictionary defines a conviction as **"A formal declaration that someone is guilty of a criminal offense, made by the verdict of a jury or the decision of a judge in a court of law."**<sup>6</sup> In calculating the conviction rate, my office follows the guidelines of the Association of Prosecuting Attorneys (APA). According to the APA, **"A conviction is a legal declaration that someone is guilty of a criminal offense, made by the verdict of a jury or the decision of a judge in a court of law. Conviction rate, just like any other completion percentage, is calculated by dividing the number of convictions by the number of overall adjudicated cases."**<sup>7</sup>

In other words, a conviction rate should only factor in the cases that prosecutors bring into court in an attempt to obtain a guilty finding. As you are aware, my prosecutors are not responsible for the number of arrests made or the charges that police file. As the APA notes, *"[The]APA is not aware of any criminal justice system that measures prosecutorial performance and efficiency based upon the number of counts that result in conviction as a percentage of all counts included in the original charging instrument."*<sup>8</sup> In short, our office should be judged the same way as any other prosecuting office in the United States of America, which is why we collect and report our convictions according to the APA standards.

<sup>3</sup> <https://www.washingtonpost.com/opinions/2020/02/20/make-baltimore-safe-charm-city-should-pursue-imprison-criminals/>

<sup>4</sup> [http://mgaleg.maryland.gov/2020RS/fnotes/bil\\_0006/hb0356.pdf](http://mgaleg.maryland.gov/2020RS/fnotes/bil_0006/hb0356.pdf)

<sup>5</sup>

<https://www.facebook.com/LarryHogan/photos/a.396845987007237/3860589693966165/?type=3&theater>

<sup>6</sup> <https://www.lexico.com/en/definition/conviction>

<sup>7</sup> <https://www.apa-inc.org/update-conviction-rates/>

<sup>8</sup> Idem



The challenges our city has faced in the past 5 years run deep. In my time in office, we have had three mayors, one of which was convicted for corruption, five Police Commissioners, one of which was jailed for tax evasion, the untimely killing of Freddie Gray and the subsequent uprising, a scathing 183-page report by the Department of Justice exposing a pattern and practice of discriminatory policing, the subsequent federal consent decree and dealing with the aftermath of one of the largest police corruption scandals in the history of the country – the Gun Trace Task Force. To say it has been a tumultuous time is an understatement. Nonetheless, as you will see from the data outlined below, our conviction rate and our stet and nol pros rate for violent crimes, guns, and even homicides are on a par with my past two predecessors, who faced less challenging circumstances. I am grateful for the work of my staff and for the partnership of people like you in the state legislature as we seek to make Baltimore a safer city.

Turning to the data, below you will find the answers to the questions you asked. Given the city's deeply concerning murder rate, I also include homicide data. Please note that per the APA standards, my office collects and reports data by case and/or tracking number not by the number of charges brought against a particular defendant. Hence, the data you've requested is reported by the number of cases my office handles in the Circuit Court for Baltimore City.<sup>9</sup>

The first data set, by number of cases, is for **Crimes of Violence**, which includes 73 categories of crime and is inclusive of violent gun crimes. The second data set, by number of cases, is for **Gun Crimes**, which includes 23 categories and is also inclusive of violent gun crimes. The third data set, by number of cases, is for **Homicides**, which includes 10 categories of homicides. Additionally, please note that for the sentence data requested for each case, we have provided an attachment for your review.

With regard to your request pertaining to the amount of time each defendant actually spent incarcerated, as you are aware, we do not control that process. Judges set the sentence and conditions. Sometimes an individual is allowed out early on good behavior, or for parole, probation, etc. This request should therefore be made to the courts, corrections, parole, and probation authorities. We are happy to assist in any way. Lastly, we include an addendum with charts comparing homicide, gun, and violent crime data for the past ten years, so you can see that our conviction rates, nolle prosequi, and PBJ percentages are consistent with my two predecessors. We also include another addendum detailing the categories of crime for each data set.

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<sup>9</sup> We feel very confident about the accuracy of this data. Nonetheless, this was a large data request that we performed in a short span of time and we will continue to confirm the accuracy of the data to check for human error.

STATE'S ATTORNEY  
Marilyn J. Mosby



OFFICE of the STATE'S ATTORNEY for BALTIMORE CITY  
120 East Baltimore Street | Baltimore, Maryland 21202

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443-984-6000

Please let me know if you have any questions.

Sincerely,

Marilyn Mosby

Baltimore City State's Attorney

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## **Data Set 1: Crimes of Violence**

The following data is for cases relating to crimes of violence, and includes 73 categories of violent crime offenses.

**Summary:** The data below shows that the office has had a conviction rate in or **around 90% for violent offenses for the past three years.** Very few cases resulted in probation before judgement. While an average of **29% of cases resulted in a nolle prosequi or were placed on the stet docket**, this does not mean the case was dropped and/or dismissed in its entirety. The data shows that on average **approximately 19% of the cases we dismissed, were either prosecuted by another jurisdiction**, such as our federal partners, where there are more resources and sentences are more severe **or the case is the subject of a plea deal** in another case. Nonetheless, on average **over half the cases that resulted in a nolle prosequi or were placed on the stet docket happened because a key victim or witness failed to appear.** This data speaks to the need for more legislation to protect witnesses and end the “stop snitching” culture, something I have pushed for the past three legislative sessions. Finally, it is also clear from the attached sentencing data that defendants convicted of violent offenses do in fact receive lengthy sentences for those offenses.

### **Q. 1. The number of crimes of violence**

2017 – 1272 cases  
2018 – 1089 cases  
2019- 1111 cases

### **Qs 2 and 3. The number of cases that resulted in a nolle prosequi and the number of cases placed in the stet docket**

2017- 402 – 402 out of 1272 = 31%  
2018 - 308 – 308 out of 1089 = 28%  
2019 – 301 – 301 out of 1111 = 27%

### **Q. 4. The number of cases that resulted in probation before judgement**

2017 – 23 – 23 out of 1272 = 2%  
2018 – 21 – 21 out of 1089 = 2%  
2019 – 9 – 9 out of 1111 = 1%

### **Qs 5 and 6. The number of cases that resulted in a guilty plea and the number of cases that resulted in a conviction (*please note that per the APA standards, a guilty plea is a conviction*)**

2017 – 783 Guilty, 79 Not Guilty, 8 dismissed – 783 out of 870 = 90% conviction rate  
2018 – 725 Guilty, 49 Not Guilty, 7 dismissed – 725 out of 781 = 93% conviction rate  
2019 – 719 Guilty, 85 Not Guilty, 6 dismissed – 719 out of 810 = 89% conviction rate

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**Q. 7. The sentence received for each disposition**

See separate attachment. There is no way to summarize this data so we have provided it in full.

**Q. 8. If a sentence included a period of incarceration, the actual amount of time a defendant was incarcerated**

Please contact the courts and corrections authorities to obtain this data from the courts/corrections. SAO does not control how much time someone serves.

**Q. 9. If a case resulted in a nolle prosequi or was placed on a stet docket, the rationale for entering each nolle prosequi or placing the case on the stet docket**

**2017:**

STET/NP REASONS 2017 Total = 402			
cnt	StetNolProsReasonDesc	ClosedDT	Percentage
9	Alternative to prosecution completed.	2017	2.30%
2	Defective charging document.	2017	0.51%
11	Insufficient Evidence - nexus	2017	2.81%
23	Insufficient Evidence - other	2017	5.87%
1	Negative laboratory report: other	2017	0.26%
5	No identification can be made of defendant.	2017	1.28%
5	No identification can be made of the defendant.	2017	1.28%
12	Other, not listed on form.	2017	3.06%
5	Police officer was a necessary witness and was not present.	2017	1.28%
1	Prosecuted elsewhere.	2017	0.26%
1	Prosecuted elsewhere. County	2017	0.26%
16	Prosecuted elsewhere. Federal	2017	4.08%
1	Prosecuted elsewhere. Juvenile	2017	0.26%
38	Pursuant to plea negotiations in another case.	2017	9.69%
1	Technician was a necessary witness and was not present.	2017	0.26%
21	Witness/victim statement inconsistent with evidence or otherwise lacks credibility.	2017	5.36%
22	Witness/victim substantially changed prior statement or can't remember facts.	2017	5.61%
218	Witness/victim was a necessary witness and did not appear.	2017	55.61%

**Highlights:**

- Victim/witness failure to appear were 56% of nolle prose/stet docket cases





- Prosecuted elsewhere (case passed to another jurisdiction or the federal government for prosecution) or the case was the subject of a plea deal in another case was 16% of nolle prose/stet docket cases

**2018:**

STET/NP REASONS 2018 Total = 308			
cnt	StetNolProsReasonDesc	ClosedDT	Percentage
1	5th Amendment violation, motions hearing YES	2018	0.33%
1	Alternative to prosecution completed.	2018	0.33%
1	Defective charging document.	2018	0.33%
6	Insufficient Evidence - nexus	2018	1.97%
30	Insufficient Evidence - other	2018	9.87%
1	Negative laboratory report: DNA	2018	0.33%
2	Police officer was a necessary witness and was not present.	2018	0.66%
2	Prosecuted elsewhere. County	2018	0.66%
30	Prosecuted elsewhere. Federal	2018	9.87%
45	Pursuant to plea negotiations in another case.	2018	14.80%
1	Unconstitutional ID Procedure, motions hearing YES	2018	0.33%
1	Witness claimed 5th Amendment privilege. Evidence otherwise insufficient.	2018	0.33%
17	Witness/victim statement inconsistent with evidence or otherwise lacks credibility.	2018	5.59%
11	Witness/victim substantially changed prior statement or can't remember facts.	2018	3.62%
155	Witness/victim was a necessary witness and did not appear.	2018	50.99%

**Highlights:**

- Victim/witness failure to appear was 51% of nolle prose/stet docket cases.
- Prosecuted elsewhere (case passed to another jurisdiction or the federal government for prosecution) or the case was the subject of a plea deal in another case was 25% of nolle prose/stet docket cases.

**2019:**

STET/NP REASONS 2019 Total = 301			
cnt	StetNolProsReasonDesc	ClosedDT	Percentage
3	4th Amendment violation, motions hearing YES	2019	1.02%
1	5th Amendment violation, motions hearing YES	2019	0.34%
5	Alternative to prosecution completed.	2019	1.69%
8	Defective charging document.	2019	2.71%
4	Insufficient Evidence – nexus	2019	1.36%



25	Insufficient Evidence – other	2019	8.47%
1	Marital privilege claimed.	2019	0.34%
1	Necessary physical evidence not available.	2019	0.34%
2	Negative laboratory report: DNA	2019	0.68%
2	Prosecuted elsewhere. County	2019	0.68%
31	Prosecuted elsewhere. Federal	2019	10.51%
16	Pursuant to plea negotiations in another case.	2019	5.42%
1	Witness claimed 5th Amendment privilege. Evidence otherwise insufficient.	2019	0.34%
13	Witness/victim statement inconsistent with evidence or otherwise lacks credibility.	2019	4.41%
19	Witness/victim substantially changed prior statement or can't remember facts.	2019	6.44%
163	Witness/victim was a necessary witness and did not appear.	2019	55.25%

### Highlights:

- Victim/witness failure to appear was 55% of nolle prose/stet docket cases
- Prosecuted elsewhere (case passed to another jurisdiction or the federal government for prosecution) or the case was the subject of a plea deal in another case was 17% of nolle prose/stet docket cases

### Data Set 2: Firearm Offenses

The following data is for cases relating to guns, and includes 23 categories of gun offenses.

**Summary:** The data below shows that the **office has had a conviction rate in or around 90% for firearm offenses** for the past three years. Very few cases resulted in probation before judgement. **While an average of 27% of cases resulted in a nolle prosequi or were placed on the stet docket**, this does not mean the case was dropped and/or dismissed in its entirety. The data shows that on average, approximately **34% of the cases we dismissed, were either prosecuted by another jurisdiction**, such as our federal partners, where there are more resources and sentences are more severe **or the case is the subject of a plea deal in another case**. Nonetheless, **25% of the cases that resulted in a nolle prosequi or were placed on the stet docket happened because a key victim or witness failed to appear**. This data speaks to the need for more legislation to protect witnesses and end the “stop snitching” culture, something I have pushed for the past three legislative sessions. Finally, it is also clear from the attached sentencing data that defendants convicted of violent offenses do in fact receive lengthy sentences for those offenses.

### Q. 1. The number of crimes for firearm cases

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2017 - 1315  
2018 - 1224  
2019- 1366

**Qs. 2 and 3. The number of cases that resulted in a nolle prosequi and the number of cases placed in the stet docket**

2017- 440 - 440 out of 1315 = 33%  
2018 - 296 - 296 out of 1224 = 24%  
2019 - 323 - 323 out of 1366 = 24%

**Q. 4. The number of cases that resulted in probation before judgement**

2017 - 27 - 27 out of 1315 = 2%  
2018 - 38 - 38 out of 1224 = 3%  
2019 - 22 - 22 out of 1366 = 2%

**Qs 5 and 6. The number of cases that resulted in a guilty plea and the number of cases that resulted in a conviction (*please note that per the APA standards, a guilty plea is a conviction*)**

2017 - 776 Guilty, 95 Not Guilty, 4 dismissed - 776 out of 875 = 89% conviction rate  
2018 - 873 Guilty, 51 Not Guilty, 4 dismissed - 873 out of 928 = 94% conviction rate  
2019 - 955 Guilty, 82 Not Guilty, 6 dismissed - 955 out of 1043 = 92% conviction rate

**Q. 7. The sentence received for each disposition**

See separate attachment. There is no way to summarize this data so we have provided it in full.

**Q. 8. If a sentence included a period of incarceration, the actual amount of time a defendant was incarcerated**

Please contact the courts and corrections authorities to obtain this data from the courts/corrections. SAO does not control how much time someone serves.

**Q. 9. If a case resulted in a nolle prosequi or was placement of the case on a stet docket, the rationale for entering each nolle prosequi or placing the case on the stet docket**

**2017:**

STET/NP REASONS 2017 Total = 440			
cnt	StetNolProsReasonDesc	FirstClosed	Percentage
7	4th Amendment violation, motions hearing NO	2017	1.7%
10	4th Amendment violation, motions hearing YES	2017	2.4%
1	5th Amendment violation, motions hearing YES	2017	0.2%

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5	Alternative to prosecution completed.	2017	1.2%
6	Defective charging document.	2017	1.4%
26	Insufficient Evidence - nexus	2017	6.2%
47	Insufficient Evidence - other	2017	11.1%
2	Necessary physical evidence not available.	2017	0.5%
3	Negative laboratory report: firearms Exam.	2017	0.7%
2	No crime committed.	2017	0.5%
4	No identification can be made of defendant.	2017	0.9%
2	No identification can be made of the defendant.	2017	0.5%
28	Other, not listed on form.	2017	6.6%
39	Police officer was a necessary witness and was not present.	2017	9.2%
5	Prosecuted elsewhere.	2017	1.2%
69	Prosecuted elsewhere. Federal	2017	16.4%
2	Prosecuted elsewhere. Juvenile	2017	0.5%
32	Pursuant to plea negotiations in another case.	2017	7.6%
21	Witness/victim statement inconsistent with evidence or otherwise lacks credibility.	2017	5.0%
6	Witness/victim substantially changed prior statement or can't remember facts.	2017	1.4%
105	Witness/victim was a necessary witness and did not appear.	2017	24.9%

**Highlights:**

- Victim/witness failure to appear was 25% of nolle prose/stet docket cases
- Prosecuted elsewhere (case passed to another jurisdiction or the federal government for prosecution) or the case was the subject of a plea deal in another case was also 25% of nolle prose/stet docket cases

**2018:**

STET/NP REASONS 2018 Total = 296			
cnt	StetNolProsReasonDesc	FirstClosed	Percentage
4	4th Amendment violation, motions hearing NO	2018	1.4%
8	4th Amendment violation, motions hearing YES	2018	2.8%
1	5th Amendment violation, motions hearing YES	2018	0.3%
4	Alternative to prosecution completed.	2018	1.4%
12	Defective charging document.	2018	4.2%
14	Insufficient Evidence - nexus	2018	4.9%
31	Insufficient Evidence - other	2018	10.8%
1	Negative laboratory report: DNA	2018	0.3%
1	Negative laboratory report: firearms Exam.	2018	0.3%
16	Police officer was a necessary witness and was not present.	2018	5.6%

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2	Prosecuted elsewhere. County	2018	0.7%
61	Prosecuted elsewhere. Federal	2018	21.3%
44	Pursuant to plea negotiations in another case.	2018	15.3%
1	Unconstitutional ID Procedure, motions hearing YES	2018	0.3%
1	Vacatur Statute Md. 8-301.1	2018	0.3%
9	Witness/victim statement inconsistent with evidence or otherwise lacks credibility.	2018	3.1%
6	Witness/victim substantially changed prior statement or can't remember facts.	2018	2.1%
71	Witness/victim was a necessary witness and did not appear.	2018	24.7%

**Highlights:**

- Victim/witness failure to appear was 25% of nolle prose/stet docket cases
- Prosecuted elsewhere (case passed to another jurisdiction or the federal government for prosecution) or the case was the subject of a plea deal in another case was 37% of nolle prose/stet docket cases

**2019:**

STET/NP REASONS 2019 Total = 323			
cnt	StetNolProsReasonDesc	FirstClosed	Percentage
3	4th Amendment violation, motions hearing NO	2019	0.9%
22	4th Amendment violation, motions hearing YES	2019	6.9%
1	5th Amendment violation, motions hearing YES	2019	0.3%
8	Alternative to prosecution completed.	2019	2.5%
6	Defective charging document.	2019	1.9%
11	Insufficient Evidence - nexus	2019	3.5%
21	Insufficient Evidence - other	2019	6.6%
3	Laboratory report not available: DNA	2019	0.9%
3	Necessary physical evidence not available.	2019	0.9%
5	Negative laboratory report: DNA	2019	1.6%
7	Police officer was a necessary witness and was not present.	2019	2.2%
3	Prosecuted elsewhere. County	2019	0.9%
94	Prosecuted elsewhere. Federal	2019	29.7%
32	Pursuant to plea negotiations in another case.	2019	10.1%
6	Witness/victim statement inconsistent with evidence or otherwise lacks credibility.	2019	1.9%
9	Witness/victim substantially changed prior statement or can't remember facts.	2019	2.8%
83	Witness/victim was a necessary witness and did not appear.	2019	26.2%



### Highlights:

- Victim/witness failure to appear was 26% of nolle prose/stet docket cases
- Prosecuted elsewhere (case passed to another jurisdiction or the federal government for prosecution) or the case was the subject of a plea deal in another case was 40% of nolle prose/stet docket cases

### Data Set 3: Homicides

The following data is for homicide cases, and is inclusive of 10 categories of homicide offenses.

**Summary:** The data below shows that the office has had a **conviction rate of 83% for homicides** for the past three years. No cases result in probation before judgement. While an average of **12% of cases resulted in a nolle prosequi or were placed on the stet docket**, this does not mean the case was dropped or dismissed in its entirety. The data shows that on average, **33% of cases were dismissed in order that the case be prosecuted by another jurisdiction**, such as our federal partners, where there are more resources and sentences are likely to be more severe. Nonetheless, **an average of 27% of the cases that resulted in a nolle prosequi or were placed on the stet docket happened because a key victim or witness failed to appear**. This data speaks to the need for more legislation to protect witnesses and end the “stop snitching” culture, something I have pushed for the past three legislative sessions. Finally, it is also clear from the attached sentencing data that defendants convicted of violent offenses do in fact receive lengthy sentences for those offenses.

#### **Q 1. The number of homicide cases:**

2017 – 105  
2018 – 106  
2019- 117

#### **Q. 2 and 3. The number of cases that resulted in a nolle prosequi and the number of cases placed in the stet docket**

2017- 10 – 10 out of 105 = 10%  
2018 - 11 – 11 out of 106 = 10%  
2019 – 16 – 16 out of 117 = 14%

#### **Q. 4. The number of cases that resulted in probation before judgement**

There are no homicide cases that have resulted in probation before judgement.

**Qs 5 and 6. The number of cases that resulted in a guilty plea and the number of cases that resulted in a conviction (*please note that per the APA standards, a guilty plea is a conviction*)**

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2017 – 80 Guilty. 15 Not Guilty. 0 dismissals – 80 out of 95 = 84% conviction rate  
2018 – 64 Guilty. 13 Not Guilty. 0 dismissals – 64 out of 77 = 83% conviction rate  
2019 – 83 Guilty. 16 Not Guilty. 2 dismissals – 83 out of 101 = 82% conviction rate

**Q. 7. The sentence received for each disposition**

See separate attachment. There is no way to summarize this data so we have provided it in full.

**Q. 8. If a sentence included a period of incarceration, the actual amount of time a defendant was incarcerated**

Please contact the courts and corrections authorities to obtain this data from the courts/corrections. SAO does not control how much time someone serves.

**Q. 9 If a case resulted in a nolle prosequi or was placement of the case on a stet docket, the rationale for entering each nolle prosequi or placing the case on the stet docket**

**2017:**

**STET/NP REASONS 2017 Total = 10**

cnt	StetNolProsReasonDesc	FirstClosed	Percentage
1	Other, not listed on form.	2017	10.00%
7	Prosecuted elsewhere. Federal	2017	70.00%
2	Witness/victim was a necessary witness and did not appear.	2017	20.00%

**Highlights:**

- Victim/witness failure to appear was 20% of nolle prose/stet docket cases
- Prosecuted elsewhere (case passed to another jurisdiction or the federal government for prosecution) was 70% of nolle prose/stet docket cases

**2018:**

**STET/NP REASONS 2018 Total = 11**

cnt	StetNolProsReasonDesc	FirstClosed	Percentag
1	Defective charging document.	2018	9.09%
1	NCR Not Criminally Responsible	2018	9.09%
1	Other, not listed on form.	2018	9.09%
1	Insufficient Evidence - other	2018	9.09%
1	Prosecuted elsewhere. Federal	2018	9.09%
1	Witness/victim statement inconsistent with evidence or otherwise lacks credibility.	2018	9.09%
1	Witness/victim substantially changed prior statement or can't remember facts.	2018	9.09%
4	Witness/victim was a necessary witness and did not appear.	2018	36.36%

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**Highlights:**

- Victim/witness failure to appear was 37% of nolle prose/stet docket cases
- Prosecuted elsewhere (case passed to another jurisdiction or the federal government for prosecution) was 9% of nolle prose/stet docket cases

**2019:**

STET/NP REASONS 2019 Total = 16			
cnt	StetNolProsReasonDesc	FirstClosed	Percentag
1	4th Amendment violation, motions hearing YES	2019	6.25%
2	Defective charging document.	2019	12.50%
1	Insufficient Evidence - nexus	2019	6.25%
3	Insufficient Evidence - other	2019	18.75%
3	Prosecuted elsewhere. Federal	2019	18.75%
1	Witness/victim statement inconsistent with evidence or otherwise lacks credibility.	2019	6.25%
5	Witness/victim was a necessary witness and did not appear.	2019	31.25%

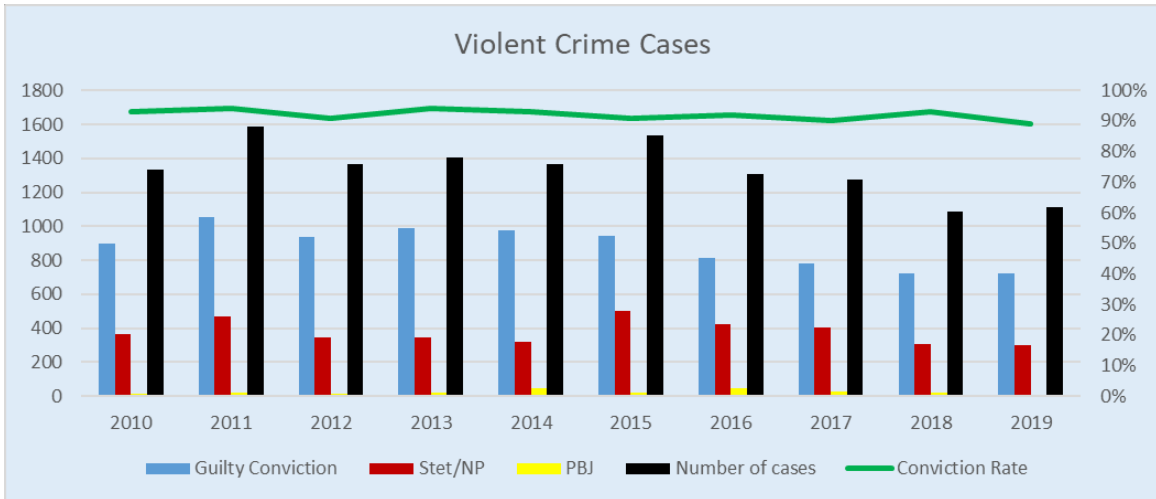
**Highlights:**

- Victim/witness failure to appear was 31% of nolle prose/stet docket cases
  - Prosecuted elsewhere (case passed to another jurisdiction or the federal government for prosecution) was 19% of nolle prose/stet docket cases
-





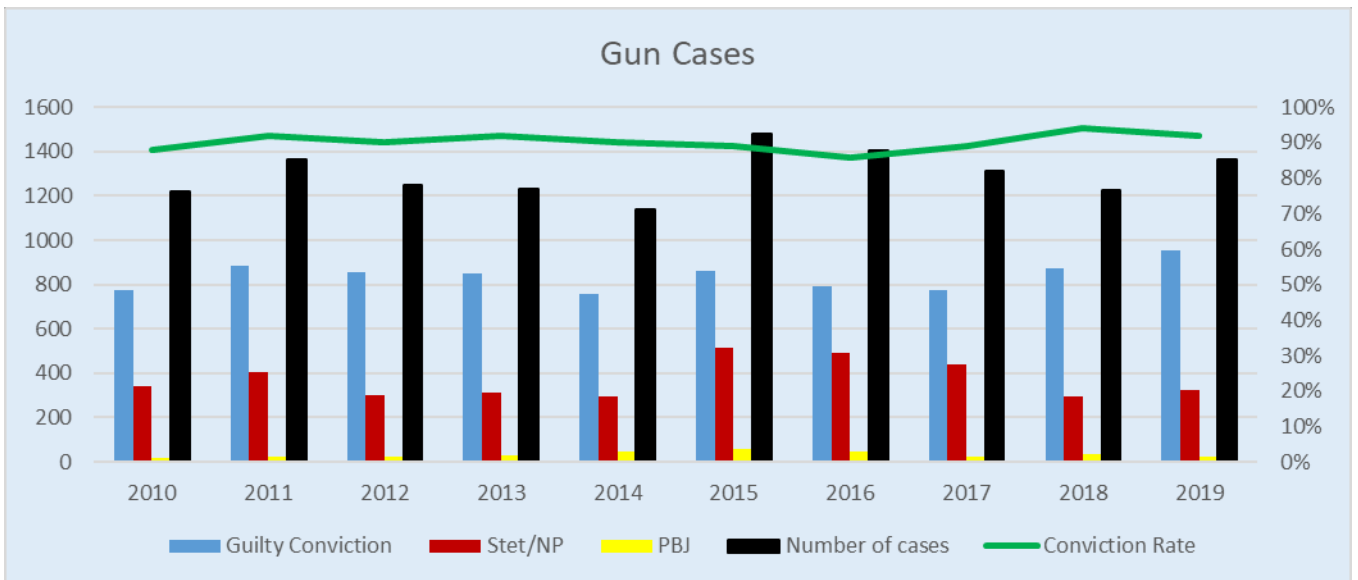
**Addendum 1: 10 year comparison**



1. The bars are represented on the first Y-axis, the line is represented on the second Y-Axis

**Violent Crime Cases Notes**

- The conviction rate for violent crimes has consistently remained at 89% or higher over the last 10 years.
- Stet, Nol Pross, and PBJs have decreased over the ten-year period.
- Only 1% of cases in 2019 resulted in a PBJ.



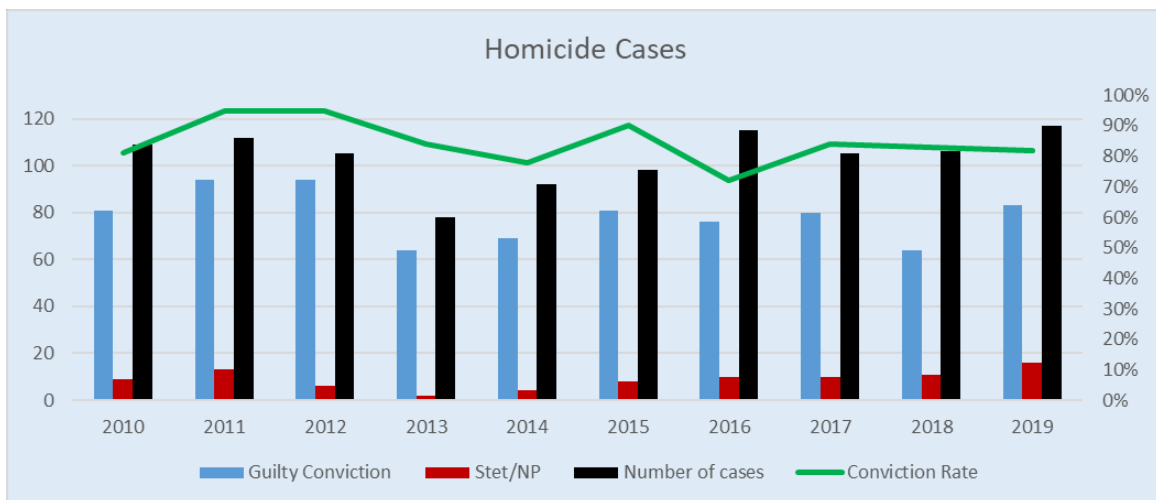
2. The bars are represented on the first Y-axis, the line is represented on the second Y-Axis

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## Gun Cases Notes

- The conviction rate for gun crimes has consistently remained at around 90% over the last 10 years. 2018 marked the highest conviction rate over a 10 year period at 94%. The strong work carried into 2019 with the highest number of convictions over a 10 year period at 955 while maintaining a 92% conviction rate
- Stet, Nol Pros, and PBJs have remained steady over the ten-year period. The number of Stet and Nol Pros cases has decreased by 37% from 2015 to 2019. Further, the number of Stet and Nol Pros cases in 2019 was a 10 year low at 323 cases, only 24% of cases overall.
- The number of PBJs for gun cases in 2019 is at a 10 year low, only 21 cases resulted in a PBJ, 1% of all cases overall.



3. The bars are represented on the first Y-axis, the line is represented on the second Y-Axis

## Homicide Cases Notes

- Despite some fluctuations, and challenging circumstances, the SAO homicide conviction rate has remained steady.
- The Stet and Nol Pros numbers have remained consistent over a 10 year period.
- There are no PBJs for homicide cases.



**Addendum 2: Categories**

<b>Statute</b>	<b>§14-101 Crimes of Violence</b>	<b>CJIS code</b>
§3-503	Abduction (Abduct Child Under 12)	1 1005
	Attempt Abduct Child Under 12	1A1005
§6-102	1 <sup>st</sup> Degree Arson	1 6500
	Attempted 1 <sup>st</sup> Degree Arson	1A6500
§3-502	Kidnapping	3 1005
	Attempted Kidnapping	3A1005
§3-503	Kidnapping – Child Under 16	4 1005
	Attempted Kidnapping – Child Under 16	4A1005
§2-207	Manslaughter	1 0910
§2-207	Manslaughter (victim is minor)	1M0910
§2-209	Manslaughter – Neg. Manslaughter Auto/Boat	1 0909
§2-209	Manslaughter – Neg. Manslaughter Auto/Boat (victim is minor)	1M0909
§2-201	1 <sup>st</sup> Degree Murder	1 0990
§2-201	1 <sup>st</sup> Degree Murder (victim is minor)	1M0990
§2-205	Attempted 1 <sup>st</sup> Degree Murder	2 0910
§2-205	Attempted 1 <sup>st</sup> Degree Murder (victim is minor)	2M0910
§2-204	2 <sup>nd</sup> Degree Murder	1 1107
§2-204	2 <sup>nd</sup> Degree Murder (victim is minor)	1M1107
§2-206	Attempted 2 <sup>nd</sup> Degree Murder	2 0920
§2-206	Attempted 2 <sup>nd</sup> Degree Murder (victim is minor)	2M0920
§3-303	1 <sup>st</sup> Degree Rape	1 1102
§3-309	Attempted 1 <sup>st</sup> Degree Rape	2 1120
§3-304	2 <sup>nd</sup> Degree Rape	2 1103
§3-310	Attempted 2 <sup>nd</sup> Degree Rape	2 1110

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§3-402	Robbery (includes attempt)	2 0700
§3-403	Armed Robbery (includes attempt)	2 0705
§3-405	Carjacking	1 0825
	Attempted Carjacking	1A0825
§3-405	Armed Carjacking	1 0826
	Attempted Armed Carjacking	1A0826
§3-305	<i>1<sup>st</sup> Degree Sexual Offense (before 9/30/2017)</i>	<i>2 1102</i>
	<i>Attempted 1<sup>st</sup> Degree Sexual Offense (before 9/30/2017)</i>	<i>2A1102</i>
§3-306	<i>2<sup>nd</sup> Degree Sexual Offense (before 9/30/2017)</i>	<i>2 3600</i>
	<i>Attempted 2<sup>nd</sup> Degree Sexual Offense (before 9/30/2017)</i>	<i>2A3600</i>
§4-204	Firearm Use in Felony/Crime of Violence	1 5299
§3-601	1 <sup>st</sup> Degree Child Abuse – Severe Physical Injury	1 0334
	Attempted 1 <sup>st</sup> Degree Child Abuse – Severe Physical Injury	1A0334
§3-601	1 <sup>st</sup> Degree Child Abuse – Death (over 13)	1 1108
	Attempted 1 <sup>st</sup> Degree Child Abuse – Death (over 13)	1A1108
§3-601	1 <sup>st</sup> Degree Child Abuse – Death (under 13)	1 1109
	Attempted 1 <sup>st</sup> Degree Child Abuse – Death (under 13)	1A1109
§3-602	Sexual Abuse Minor – parent w/perm/temp care/custody	1 0322
	Att. Sex. Abuse Minor – parent w/perm/temp care/custody	1A0322
§3-602	Sexual Abuse Minor – household/family member	1 0922
	Att. Sex. Abuse Minor – household/family member	1A0922
§6-202	Home Invasion	1 1338
	Attempted Home Invasion	1A1338
§3-1102	Sex Trafficking – Take/Cause	1 0786
	Attempt Sex Trafficking – Take/Cause	1A0786
§3-1102	Sex Trafficking – Compensation	1 0788



	Attempt Sex Trafficking – Compensation	1A0788
§3-1102	Sex Trafficking – Explicit Performance	1 0754
	Attempt Sex Trafficking – Explicit Performance	1A0754
§3-1102	Sex Trafficking – Another Gov't ID	1 0756
	Attempt Sex Trafficking – Another Gov't ID	1A0756
§3-1102	Sex Trafficking – Guardian	1 0789
	Attempt Sex Trafficking – Guardian	1A0789
§3-1102	Sex Trafficking – Force/Fraud	1 0787
	Attempt Sex Trafficking – Force/Fraud	1A0787
§3-1102	Sex Trafficking – Benefit Financially	1 0758
	Attempt Sex Trafficking – Benefit Financially	1A0758
§3-1102	Sex Trafficking – Conspire/Aid/Abet	1 0761
	Attempt Sex Trafficking – Conspire/Aid/Abet	1A0761
§3-1103	Forced Marriage	1 1726
	Attempt Forced Marriage	1A1726
§3-1103	Benefit – Forced Marriage	1 1727
	Attempt Benefit – Forced Marriage	1A1727
§3-1103	Conspire – Forced Marriage	1 1728
	Attempt Conspire – Forced Marriage	1A1728
§3-1103	Conspire – Benefit – Forced Marriage	1 1729
	Attempt Conspire – Benefit – Forced Marriage	1A1729
§3-315	Sex Abuse Minor – Continuing Course of Conduct	2 1136
§3-202	1 <sup>st</sup> Degree Assault	1 1420

Statute	Title 4, Subtitle 2 Offenses	CJIS code
§4-203	Handgun in Vehicle	1 0175
§4-203	Loaded Handgun in Vehicle	1 1454

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§4-203	Handgun on Person	1 5212
§4-203	Loaded Handgun on Person	1 1455
§4-204	Firearm Use in Felony/Crime of Violence	1 5299
§4-208	Firearm Demonstration Public Place	3 5299

CHARGE CODE	Written Charge Fire Arms
1 0175	Handgun, transport in a vehicle
1 0439	RIFLE/SHOTGUN POSSESS-MENTAL DISORDER/VIOLENT BEHAVIOR [PS 5] (1 0439)
1 0487	CDS: DISTRIBUTE ETC. WITH FIREARM [27 281A] (1 0487)
1 0493	FIREARM/DRUG TRAFFICKING CRIME [CR 5] (1 0493)
1 0642	Reg Firearm - unlawful sale/transfer
1 0692	POSSESSION OF FIREARMS [CR 5] (1 0692)
1 1106	Possession of regulated firearm, felony
1 1314	MACHINE GUN AGGRESSIVE & OFFENSIVE PURPOSE/NOT REGISTERED [CR 4] (1 1314)
1 1454	LOADED HANDGUN IN VEHICLE
1 1455	LOADED HANDGUN ON PERSON
1 1609	FIREARM-POSS-CRIM VIO/FEL CONV
1 1610	RIFLE/SHOTGUN-POSS W/FEL CONV
1 1612	Removal of serial number from firearm
1 2801	REGULATED FIREARM STOLEN - POSSESS/SELL/TRANSFER/DISPOSE OF [PS 5] (1 2801)
1 5212	Wearing, carrying and transporting a handgun
1 5240	FIREARM PERSON:SELL/RENT & TRANSFER BEFORE 7 DAY EXPIRATION [27 442] (1 5240)
1 5250	FIREARM SELL, RENT AND TRANSFER WHEN APPLICATION ON HOLD [27 442] (1 5250)
1 5285	Possession of regulated firearm or ammunition by a minor
1 5295	TRANSPORT REGULATED FIREARM INTO STATE:ILL SALE-TRAFFICKING [PS 5] (1 5295)
1 5299	Handgun, use in a felony or crime of violence
1A5240	ATT-FIREARM/SALE/PERSON
1C0175	CON-HANDGUN: WEAR/CARRY & TRANSPORT IN VEHICLE/PUBLIC ROADS [CL] (1C0175)
1C0487	CON-CDS: DISTRIBUTE ETC. WITH FIREARM [CL] (1C0487)
1C0493	CON-FIREARM/DRUG TRAFFICKING CRIME [CL] (1C0493)

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1C5212	CON-WEAR, CARRY AND TRANSPORT HANDGUN UPON THEIR PERSON [CL] (1C5212)
2 0239	FIREARMS-ACCESS BY MINORS [CR 4] (2 0239)
2 2030	Possession of regulated firearm, COV or certain felony CDS offenses
2 3015	BURGLARY/SECOND DEGREE/FIREARM [CR 6] (2 3015)
2 5212	RIFLE/SHOTGUN:UNREGISTERED [PS 5] (2 5212)
2 5299	MACHINE GUN-USE FOR CRIME [CR 4] (2 5299)
2C5212	CON-RIFLE/SHOTGUN:UNREGISTERED [CL] (2C5212)
3 5250	ASSAULT PISTOL ROSTER VIO [CR 4] (3 5250)
3 5255	DETACH MAG OVER 10 RND
3 5260	ASSAULT PISTOL/MAG. USE [CR 4] (3 5260)
3 5299	FIREARM DEMONST PUB PLACE [27 36G] (3 5299)
6 5210	HANDGUN-WEAR/CARY INFL ALC [27 36E] (6 5210)

<b>CJIS Code</b>	<b>Written Charge Homicide</b>
1 0007	MURDER [CL]
1 0912	MURDER-1ST DEG/ARSON
1 0990	MURDER - FIRST DEGREE
1 0999	MURDER-SECOND DEGREE [27 411] (1 0999)
1 1107	MURDER-SECOND DEGREE
1 1313	ASSAULT [CL] (1 1313)
1M1107	MURDER-SECOND DEGREE
2 0900	MURDER-FIRST DEGREE [27 407] (2 0900)
2 0912	MURDER-1ST DEG/BURN BLDG
3 0912	MURDER-1ST DEGREE/BEG/RAPE/SOD ETC