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Why is Jessamy so upset at study?

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Having gratefully escaped being seated on a Baltimore City jury despite multiple summonses for duty, I would have to agree with what Groucho Marx said in a different context: He wouldn't want to belong to any club that would have him as a member.

City juries have a less than enviable reputation. You've heard the complaints no doubt, or grumbled a few yourself: Oh, they won't convict anyone. They're made up largely of blacks, and they don't want to send another brother to prison. It's jury nullification, doncha know?

Well, no, we don't actually know, and that's why we need a study like the one the Abell Foundation has under way that could finally put some facts behind the various rumors, impressions and urban myths that surround city juries.

But, as [The Sun reported yesterday](#), the study is getting heavy pushback from Baltimore State's Attorney Patricia C. Jessamy, the official tasked with bringing criminal cases to court.

The research compared conviction rates between Baltimore juries and their counterparts in three surrounding counties and, according to a draft report that The Sun's Julie Bykowicz obtained, found this: City juries convicted 23 percent of the defendants while the county juries convicted 45 percent of them. The study's author, Shawn M. Flower, calculated that the probability of convicting a defendant of the most serious offense he is charged with is 63 percent in the counties, compared with 2 percent in Baltimore City.

Interesting, no? Makes you want to hear more, right?

Hopefully you will, but Jessamy wants it "shelved" or its recommendations reconsidered, according to a letter that Bykowicz also obtained. The Abell Foundation has not said when the final report, initially slated for publication in April, will actually appear but denies that Jessamy's objections are the reason for the delay.

Jessamy raises some concerns that bear addressing, such as how the researcher selected the sample of city cases that she included in the study, to be compared to all the cases disposed of by jury in the three counties during the same period. (Flower, a former policy analyst with the state, defends the methodology in a letter of her own and offers to further explain the study in a meeting.)



But most of Jessamy's objections lie in Flower's discussion of the differences between the makeup of city and county juries. You could probably name them yourself: Economic and educational levels (lower in the city), the likelihood of having been a victim of crime, or to be related to someone who has been arrested (greater in the city). And, finally, the attitudes toward police (more negative among minorities, who are the majority in the city), and the confidence in the judicial system (lower in the city).

Not that Flower comes to these conclusions off the top of her head - she backs them up with references to previous studies and published comments of people who ought to know, such as Baltimore Circuit Judge John Glynn, chief judge of the criminal division, and a city grand jury that investigated how the public views law enforcement.

Jessamy writes that she is appalled and shocked that Flower would consider such disparities between the makeup of city and county juries and that she would conclude that they have an impact on the verdicts they come up with.

What we should be appalled and shocked about is that these disparities exist in the first place, that we've grown accustomed to the fact that city residents as a whole will be poorer, less educated, more suspicious of the system, etc. Shouldn't that be the outrage, that we accept as a matter of course that an entire swath of the community will be disenfranchised?

Jessamy seems particularly resistant to Flower's suggestion of going with a regional jury pool - summoning county residents to serve in city cases (and presumably, vice versa). Jessamy writes that city juries should not include "residents of other more affluent jurisdictions who do not have a stake in our community."

Really? I've always thought the problem is just the opposite: that our friends in the counties tend to enjoy the benefits of the city - their jobs may be here, they come down to the ballparks and the symphony and the bars and restaurants - but then they head back home with the sense that the woes of the city are not their concern.

They are, of course. What happens in city courtrooms - not to mention city schools and city neighborhoods - isn't something that you can escape by moving outside the Beltway.

I'm not saying a regional jury pool is the solution - although federal juries already draw from a statewide pool - but it's worth considering. Juries are an important piece of the criminal justice puzzle - along with, as any watcher of Law and Order can intone, "two separate yet equally important groups: the police, who investigate crime, and the district attorneys, who prosecute the offenders."

And yet it's the head of that latter group in the city who wants to put a lid on the Abell study. Odd.

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