



# Methodology

## Data Source

Issue 10 (August 2023) of the *Sentencing Snapshot* examines sentencing events involving convictions for child abuse that took place in fiscal years (FY) 2018 through 2022. The primary source of data for these analyses is sentencing guidelines worksheets submitted to the Maryland State Commission on Criminal Sentencing Policy (MSCCSP) via either the Maryland Automated Guidelines System (MAGS) or paper guidelines worksheets. Sentencing guidelines worksheets are completed for all criminal sentencing events involving an incarcerable offense that originate in and are sentenced in Maryland circuit courts. Additionally, guidelines worksheets are completed for sentencing events involving jury trial prayers (JTPs) and appeals from the District Court if a pre-sentence investigation (PSI) is ordered. A sentencing event is defined as one individual, sentenced in front of the same judge, on the same day. A sentencing event may contain multiple offenses.

These analyses exclude sentencing guidelines worksheets submitted for sentence reconsideration/modification hearings and three-judge panel reviews.<sup>1</sup> Sentencing guidelines worksheets are not completed for violations of probation or parole. Sentencing guidelines worksheets are not submitted to the MSCCSP for District Court cases.

**The MSCCSP data and the average sentence lengths provided in this *Snapshot* reflect information collected via the sentencing guidelines worksheet and are limited to guidelines-eligible cases sentenced in the State’s circuit courts. These analyses do not reflect statewide totals or mean (average) sentences for those offenses in which the District Court has exclusive or concurrent jurisdiction, nor do the analyses include data from non-guidelines eligible cases sentenced in the State’s circuit courts (e.g., JTPs and District Court appeals without a PSI ordered; probation/parole violation sentences).**

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<sup>1</sup> From FY 2018 through FY 2022, approximately 1% of sentencing events for which a guidelines worksheet was submitted were for sentence reconsideration/modification hearings or three-judge panel reviews.



## Analyses

This section of the methodology provides tables that correspond to each of the figures in *Sentencing Snapshot #10* as well as additional statistics.

Table 1 provides the total number of guidelines-eligible criminal sentencing events and offenses, sentenced from FY 2018 through FY 2022 and disaggregated by crime category, for which the MSCCSP received a sentencing guidelines worksheet.

**Table 1. Guidelines-Eligible Criminal Sentencing Events and Offenses Sentenced in Maryland Circuit Courts, by Offense Type, FY 2018 through FY 2022**

	Offenses		Sentencing Events Included One or More:	
	#	%	#	%
Crimes of violence	10,606	16.4%	7,326	15.8%
Firearms/other weapons offenses	9,200	14.2%	8,036	17.3%
Other person offenses	17,669	27.3%	14,070	30.4%
Drug offenses	16,054	24.8%	14,391	31.1%
Property offenses	11,145	17.2%	8,748	18.9%
<b>Total</b>	<b>64,674</b>	<b>100.0%</b>	<b>46,318</b>	<b>100.0%</b>

Note. Sentencing event percentages do not sum to 100% as a sentencing event may contain multiple offenses from multiple crime categories. The MSCCSP staff routinely conducts data checks and corrects errors identified in the data. Therefore, the numbers reported in this *Snapshot* may differ slightly from previous *Snapshots*.



Table 2 provides the statutory sources and maximum penalties for each category of child abuse included in the present analyses.

**Table 2. Child Abuse Statutes and Maximum Penalties in Maryland**

	Source	Statutory Maximum	Seriousness Category	Classification
Child sexual abuse	CR, § 3-602(b)	25Y	II	Felony
Child physical abuse, 1 <sup>st</sup> degree	CR, § 3-601(b)(2)(i)	25Y	II	Felony
Child physical abuse, 1 <sup>st</sup> degree with death, victim at least 13 years old <sup>1</sup>	CR, § 3-601(b)(2)(ii)	40Y	II	Felony
Child physical abuse, 1 <sup>st</sup> degree with death, victim less than 13 years old <sup>1</sup>	CR, § 3-601(b)(2)(iii)	Life	I	Felony
Child physical abuse, 1 <sup>st</sup> degree with death, previous conviction for child abuse <sup>1</sup>	CR, § 3-601(c)(2)	Life	I	Felony
Child physical abuse, 2 <sup>nd</sup> degree, 1 <sup>st</sup> offense	CR, § 3-601(d)	15Y	IV	Felony
Child physical abuse, 2 <sup>nd</sup> degree, previous conviction for child abuse	CR, § 3-601(c)(1)	25Y	II <sup>2</sup>	Felony

<sup>1</sup> Effective October 1, 2012, the statutory maximum penalty for *Child physical abuse, 1<sup>st</sup> degree with death* increased from 30 years to 40 years. The statutory distinction in penalties for *Child physical abuse, 1<sup>st</sup> degree*, based on the death and age of the victim and previous child abuse convictions did not exist until October 1, 2017. Effective October 1, 2017, *Child physical abuse, 1st degree*, carries a statutory maximum penalty of life imprisonment if the offense results in the death of a victim less than 13 years old or the sentenced individual has a previous conviction for child abuse.

<sup>2</sup> The seriousness category classification for *Child physical abuse, 2<sup>nd</sup> degree, with a previous conviction for child abuse*, is pending promulgation through COMAR and has an anticipated effective date of November 13, 2023.



Table 3 provides offense frequencies for child abuse by category, and Table 4 disaggregates these frequencies by judicial circuit.

**Table 3. Child Abuse Convictions Sentenced in Maryland Circuit Courts, FY 2018 through FY 2022**

	Offenses	Sentencing Events Included One or More:
	#	#
Child sexual abuse	710	614
Child physical abuse, 1 <sup>st</sup> degree	39	38
Child physical abuse, 1 <sup>st</sup> degree with death <sup>1</sup>	32	32
Child physical abuse, 2 <sup>nd</sup> degree <sup>2</sup>	213	194
<b>Total</b>	<b>994</b>	<b>862</b>

<sup>1</sup> Effective October 1, 2012, the statutory maximum penalty for *Child physical abuse, 1<sup>st</sup> degree with death* increased from 30 years to 40 years. The statutory distinction in penalties for *Child physical abuse, 1<sup>st</sup> degree*, based on the death and age of the victim and previous child abuse convictions did not exist until October 1, 2017. Effective October 1, 2017, *Child physical abuse, 1<sup>st</sup> degree*, carries a statutory maximum penalty of life imprisonment if the offense results in the death of a victim less than 13 years old or the sentenced individual has a previous conviction for child abuse. From FY 2018 through FY 2022:

- 1 individual was sentenced for 1 count of *Child physical abuse, 1<sup>st</sup> degree with death*, with an offense date prior to October 1, 2012;
- 27 individuals were sentenced for 27 counts of *Child physical abuse, 1<sup>st</sup> degree with death*, with an offense date on or after October 1, 2012, and prior to October 1, 2017;
- 3 individuals were sentenced for 3 counts of *Child physical abuse, 1<sup>st</sup> degree with death, victim less than 13 years old*, with an offense date on or after October 1, 2017; and
- 1 individual was sentenced for 1 count of *Child physical abuse, 1<sup>st</sup> degree with death, with a previous conviction for child abuse*, with an offense date on or after October 1, 2017.

<sup>2</sup> The sentencing guidelines data from FY 2018 through FY 2022 did not distinguish between *Child physical abuse, 2<sup>nd</sup> degree, 1<sup>st</sup> offense*, and *Child physical abuse, 2<sup>nd</sup> degree, previous conviction for child abuse*.



**Table 4. Child Abuse Convictions Sentenced in Maryland Circuit Courts, by Judicial Circuit, FY 2018 through FY 2022**

	Total	Child Sexual Abuse		Child Physical Abuse, 1 <sup>st</sup> Degree		Child Physical Abuse, 1 <sup>st</sup> Degree with Death		Child Physical Abuse, 2 <sup>nd</sup> Degree	
		#	% State	#	% State	#	% State	#	% State
1 <sup>st</sup> Circuit	97	74	10.4%	0	0.0%	1	3.1%	22	10.3%
2 <sup>nd</sup> Circuit	55	29	4.1%	1	2.6%	1	3.1%	24	11.3%
3 <sup>rd</sup> Circuit	148	97	13.7%	15	38.5%	5	15.6%	31	14.6%
4 <sup>th</sup> Circuit	29	20	2.8%	2	5.1%	0	0.0%	7	3.3%
5 <sup>th</sup> Circuit	117	95	13.4%	2	5.1%	1	3.1%	19	8.9%
6 <sup>th</sup> Circuit	249	193	27.2%	5	12.8%	5	15.6%	46	21.6%
7 <sup>th</sup> Circuit	155	114	16.1%	8	20.5%	5	15.6%	28	13.1%
8 <sup>th</sup> Circuit	144	88	12.4%	6	15.4%	14	43.8%	36	16.9%
<b>Total offenses</b>	<b>994</b>	<b>710</b>	<b>100.0%</b>	<b>39</b>	<b>100.0%</b>	<b>32</b>	<b>100.0%</b>	<b>213</b>	<b>100.0%</b>

Circuits:

- 1<sup>st</sup> Circuit: Dorchester, Somerset, Wicomico, and Worcester Counties
- 2<sup>nd</sup> Circuit: Caroline, Cecil, Kent, Queen Anne’s, and Talbot Counties
- 3<sup>rd</sup> Circuit: Baltimore and Harford Counties
- 4<sup>th</sup> Circuit: Allegany, Garrett, and Washington Counties
- 5<sup>th</sup> Circuit: Anne Arundel, Carroll, and Howard Counties
- 6<sup>th</sup> Circuit: Montgomery and Frederick Counties
- 7<sup>th</sup> Circuit: Calvert, Charles, Prince George’s, and St. Mary’s Counties
- 8<sup>th</sup> Circuit: Baltimore City



Table 5 provides the demographic characteristics of guidelines-sentenced individuals for all person offenses and each category of child abuse in Maryland circuit courts.

Race and Ethnicity are separate fields on the sentencing guidelines worksheet. The following selections are available for Race: American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, White, Other, and Unknown. The guidelines worksheet preparer may select more than one race. For the purposes of these analyses, some categories of race and ethnicity are combined. The Other race category combines the following race options: American Indian or Alaskan Native, Asian, Native Hawaiian or Other Pacific Islander, and Other. The Other race category also includes guidelines-sentenced individuals for whom multiple race categories were selected. Unknown race is classified as missing. The Ethnicity field asks whether the guidelines-sentenced individual is of Hispanic or Latino origin, with possible responses Yes or No. Yes responses are classified as Hispanic, regardless of selections made in the Race field. Worksheets with missing race, ethnicity, or gender, sentenced from calendar years 2018 through 2020, were supplemented with race, ethnicity, and gender data from the Administrative Office of the Courts (AOC), where available.

**Table 5. Demographics of Guidelines Individuals Sentenced for All Person Offenses and Child Abuse in Maryland Circuit Courts, FY 2018 through FY 2022**

	All Person Offenses		Child Sexual Abuse		Child Physical Abuse, 1 <sup>st</sup> Degree		Child Physical Abuse, 1 <sup>st</sup> Degree with Death		Child Physical Abuse, 2 <sup>nd</sup> Degree	
Mean age (years)	31.3 years		37.4 years		29.0 years		29.6 years		33.6 years	
	#	%	#	%	#	%	#	%	#	%
Sex										
Male	22,410	90.4%	583	98.0%	22	64.7%	21	65.6%	109	59.9%
Female	2,373	9.6%	12	2.0%	12	35.3%	11	34.4%	73	40.1%
Missing	2,223		19		4		0		12	
Race/Ethnicity										
Black	16,023	64.7%	185	31.5%	22	62.9%	20	62.5%	96	52.7%
White	6,273	25.3%	198	33.7%	10	28.6%	6	18.8%	61	33.5%
Hispanic	2,117	8.5%	192	32.7%	1	2.9%	5	15.6%	21	11.5%
Other	361	1.5%	12	2.0%	2	5.7%	1	3.1%	4	2.2%
Missing	2,232		27		3		0		12	
<b>Total sentencing events</b>	<b>27,006</b>		<b>614</b>		<b>38</b>		<b>32</b>		<b>194</b>	

Note: Percentages exclude missing data.



Table 6 provides the criminal history characteristics of guidelines individuals sentenced for all person offenses each category of child abuse in Maryland circuit courts.

**Table 6. Prior Criminal Involvement Among Guidelines Individuals Sentenced for All Person Offenses and Child Abuse in Maryland Circuit Courts, FY 2018 through FY 2022**

	All Person Offenses		Child Sexual Abuse		Child Physical Abuse, 1 <sup>st</sup> Degree		Child Physical Abuse, 1 <sup>st</sup> Degree with Death		Child Physical Abuse, 2 <sup>nd</sup> Degree	
	#	%	#	%	#	%	#	%	#	%
<b>Prior adult criminal record</b>										
None	10,093	37.5%	383	62.5%	23	60.5%	14	43.8%	87	44.8%
Minor	6,101	22.7%	117	19.1%	9	23.7%	6	18.8%	47	24.2%
Moderate	5,620	20.9%	60	9.8%	4	10.5%	9	28.1%	42	21.6%
Major	5,116	19.0%	53	8.6%	2	5.3%	3	9.4%	18	9.3%
Missing	76		1		0		0		0	
<b>Involvement in the criminal justice system at the time of the instant offense</b>										
No	20,566	76.4%	564	92.0%	33	86.8%	26	81.3%	165	85.1%
Yes	6,363	23.6%	49	8.0%	5	13.2%	6	18.8%	29	14.9%
Missing	77		1		0		0		0	
<b>Prior probation or parole violations</b>										
No	20,541	76.3%	531	86.6%	35	94.6%	24	77.4%	163	84.0%
Yes	6,381	23.7%	82	13.4%	2	5.4%	7	22.6%	31	16.0%
Missing	84		1		1		1		0	
<b>Total sentencing events</b>	<b>27,006</b>		<b>614</b>		<b>38</b>		<b>32</b>		<b>194</b>	

Notes: Instructions for calculating the prior adult criminal record score are located in the Maryland Sentencing Guidelines Manual (MSGM), Version 15.1, Chapter 7.1.C. A guidelines-sentenced individual is defined as involved in the criminal justice system if, at the time of the instant offense, the individual was on parole, on probation, incarcerated, on work release, on mandatory supervision, was an escapee, or had a comparable status as result of an adjudication of guilt as an adult (MSGM, Chapter 7.1.A). Prior probation or parole violations include adjudications in violation of parole, probation, or equivalent supervisory status, and convictions for new offenses while on parole, probation, or equivalent supervisory status, unless the adjudication or conviction arose from the offense or offenses in the current sentencing event (MSGM, Chapter 7.1.D). Percentages exclude missing data.



Table 7 provides the disposition type for all person offenses and child abuse convictions in Maryland circuit courts.

**Table 7. Disposition Type for Guidelines Individuals Sentenced for All Person Offenses and Child Abuse in Maryland Circuit Courts, FY 2018 through FY 2022**

	All Person Offenses		Child Sexual Abuse		Child Physical Abuse, 1 <sup>st</sup> Degree		Child Physical Abuse, 1 <sup>st</sup> Degree with Death		Child Physical Abuse, 2 <sup>nd</sup> Degree	
	#	%	#	%	#	%	#	%	#	%
MSCCSP binding plea agreement	12,248	45.9%	256	41.9%	25	65.8%	12	37.5%	91	47.2%
Other plea agreement	9,068	34.0%	175	28.6%	6	15.8%	9	28.1%	62	32.1%
Plea, no agreement	3,925	14.7%	71	11.6%	3	7.9%	6	18.8%	23	11.9%
Jury trial	1,238	4.6%	96	15.7%	2	5.3%	4	12.5%	13	6.7%
Court trial	223	0.8%	13	2.1%	2	5.3%	1	3.1%	4	2.1%
Missing	304		3		0		0		1	
<b>Total sentencing events</b>	<b>27,006</b>		<b>614</b>		<b>38</b>		<b>32</b>		<b>194</b>	

Note: Percentages exclude missing data.

Definitions

- MSCCSP binding plea agreement: The term an MSCCSP binding plea agreement replaced the term ABA plea agreement in the MSGM effective April 1, 2021. An ABA plea agreement was defined as: “A plea agreement that a court has approved relating to a particular sentence, disposition, or other judicial action. The agreement is binding on the court under Maryland Rule 4-243(c).” (MSGM, Version 12.4). Currently, an MSCCSP binding plea agreement is defined as: “A plea agreement presented to the court in agreement by an attorney for the government and the defendant’s attorney, or the defendant when proceeding pro se, that a court has approved relating to a particular sentence and disposition. An MSCCSP binding plea agreement means an agreement to a specific amount of active time (if any), not merely a sentence cap or range. The court has the discretion to accept or reject the plea. The agreement is binding on the court under Maryland Rule 4-243(c) if the court accepts the plea.” (MSGM, Chapter 4.8).
- Other plea agreement: A “disposition resulted from a plea agreement reached by the parties that did not include an agreement to a specific amount of active time (if any) and/or the agreement was not approved by, and thus not binding on, the court.” (MSGM, Chapter 4.8).
- Plea, no agreement: When “the defendant plead[s] guilty without any agreement from the prosecutor or judge to perform in a particular way.” (MSGM, Chapter 4.8).
- Jury trial: A “disposition resulted from a trial in which a jury decided the factual questions.” (MSGM, Chapter 4.8).
- Court trial: A “disposition resulted from a trial without a jury in which the judge decided the factual questions.” (MSGM, Chapter 4.8).





Tables 8 through 10 provide weapon presence, special victim vulnerability, average sentences, and sentencing guidelines compliance for each category of child abuse sentenced in Maryland circuit courts.

**Table 8. Offense Score Characteristics for Child Abuse Convictions Sentenced in Maryland Circuit Courts, FY 2018 through CY2022**

	Child Sexual Abuse		Child Physical Abuse, 1 <sup>st</sup> Degree		Child Physical Abuse, 1 <sup>st</sup> Degree with Death		Child Physical Abuse, 2 <sup>nd</sup> Degree	
	#	%	#	%	#	%	#	%
<b>Victim Injury</b>								
None	440	62.0%	1	2.6%	0	0.0%	13	6.1%
Non-permanent	257	36.2%	18	46.2%	0	0.0%	172	80.8%
Permanent injury or death	13	1.8%	20	51.3%	32	100.0%	28	13.1%
Missing	0		0		0		0	
<b>Weapon Presence</b>								
No weapon	706	99.4%	35	89.7%	30	93.8%	154	72.6%
Weapon other than firearm/explosive	4	0.6%	4	10.3%	1	3.1%	58	27.4%
Firearm or other explosive	0	0.0%	0	0.0%	1	3.1%	0	0.0%
Missing	0		0		0		1	
<b>Special Victim Vulnerability</b>								
No	331	46.6%	1	2.6%	1	3.1%	47	22.1%
Yes	379	53.4%	38	97.4%	31	96.9%	166	77.9%
Missing	0		0		0		0	
<b>Total offenses</b>	<b>710</b>		<b>39</b>		<b>32</b>		<b>213</b>	

Notes: Victim injury is defined as “physical or psychological injury to the crime victim, the cause of which is directly linked to the conduct of the defendant in the commission of the convicted offense.” (MSGM, Chapter 6.1.B). Weapon presence is defined as “the presence of an article or device which reasonably appears capable of causing injury or the presence of an article that could result in conviction under CR, §4-101.” (MSGM, Chapter 6.1.C). Special victim vulnerability “refers to cases in which the relative status of the victim tends to render the actions of the perpetrator more serious.” Per the MSGM, “[a] vulnerable victim is anyone: a. Younger than 11 years old; b. 65 years old or older; or c. Having a temporary or permanent physical or mental disability, including an individual who is physically or mentally limited in a material way. Examples of a temporary physical or mental limitation include, but are not limited to, instances when the offender knew or should have known the victim was pregnant, unconscious, asleep, or intoxicated.” (MSGM, Chapter 6.1.D). Percentages exclude missing data.



**Table 9. Mean Total and Non-Suspended Sentences for Child Abuse Convictions Sentenced in Maryland Circuit Courts, FY 2018 through FY 2022**

	Total #	Mean Total Sentence	Mean Non- Suspended Sentence
Child sexual abuse	710	20.6 years	9.8 years
Child physical abuse, 1 <sup>st</sup> degree	39	19.2 years	8.1 years
Child physical abuse, 1 <sup>st</sup> degree with death	32	35.8 years	24.5 years
Child physical abuse, 2 <sup>nd</sup> degree	213	9.9 years	2.4 years
<b>Total offenses</b>	<b>994</b>		

**Table 10. Sentencing Guidelines Compliance for All Person Offenses and Child Abuse Convictions Sentenced in Maryland Circuit Courts, FY 2018 through FY 2022**

	Total #	Within		Below		Above	
		#	Valid %	#	Valid %	#	Valid %
All Person Offenses	27,006	22,331	82.7%	3,344	12.4%	1,321	4.9%
Child sexual abuse	614	447	72.8%	101	16.4%	66	10.7%
Child physical abuse, 1 <sup>st</sup> degree	38	29	76.3%	7	18.4%	2	5.3%
Child physical abuse, 1 <sup>st</sup> degree with death	32	19	59.4%	7	21.9%	6	18.8%
Child physical abuse, 2 <sup>nd</sup> degree	194	147	75.8%	37	19.1%	10	5.2%

Notes: Percentages exclude missing data. Ten person offenses were missing sentencing guidelines compliance. Sentencing guidelines compliance is computed based on the overall non-suspended sentence length for the sentencing event. The sentencing event may include multiple offenses. A sentence is defined as guidelines-compliant if it meets at least one of the following conditions:

- The non-suspended sentence (defined as the sum of incarceration, credit for time served, and home detention) is within the guidelines range;
- The non-suspended sentence exceeds the upper guidelines limit but includes only credit for time served;
- The sentencing event was disposed of via an ABA plea agreement or, effective April 1, 2021, an MSCCSP binding plea agreement; or
- The sentencing event involved the imposition of one or more corrections options and the total sentence falls within or above the recommended guidelines range (excluding sentencing events that contain a crime of violence, child sexual abuse, or escape). (MSGM, Chapter 13).