

THE JUSTICE REPORT

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STATE'S ATTORNEY EXPANDS 'TOGETHER WE ARE STRONGER' VICTIM & WITNESS SERVICES PUBLIC EDUCATION CAMPAIGN

At the end of October, the Baltimore City State's Attorney's Office (SAO) launched Phase II of the 'Together We Are Stronger' campaign, continuing the public education push to remind residents about the support and services for victims and witnesses of crime in Baltimore City. The campaign includes a targeted push to share resources available for domestic violence survivors in light of the spike during the COVID-19 pandemic.

Baltimore has seen an increase in domestic violence calls since the beginning of the coronavirus pandemic. This comes as national statistics reveal and uptick in domestic violence cases when victims are forced to stay at home with their abusers.

TurnAround, a local victim services agency for survivors of domestic violence, sexual violence and

human trafficking, reported in July that their call volume for services has increased by 300 percent in the last six months compared to the previous time period.

"As we all adjust to our new norms of living with this global pandemic, we must continue to remain vigilant about ensuring that both victims and witnesses aren't suffering in silence and feel supported and protected throughout the judicial process and beyond," said State's Attorney Marilyn Mosby.

The campaign also includes a dedicated resource page on the agency's website, billboards, a toll-free tip line to report crime, and a series of public service announcements that will run on television and radio stations across the city. These will tell authentic stories from the perspective of family members who have been impacted by crime while highlighting an array of victim

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OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

Marilyn J. Mosby, State's Attorney

MARYLAND JURY TRIALS POSTPONED THROUGH 2020

Jury trials for criminal and civil cases resumed briefly statewide in Maryland from October 5 to November 16. During that time period, the nation experienced a dramatic increase in COVID-19 cases. In response, Maryland courts are going back to Phase 3 of their COVID-19 re-opening plan.

Jury trials scheduled from November 16 through December 31, 2020 will be postponed until further

notice. In Phase 3, courts will schedule and hold a broader range of matters than Phases 1 and 2, including certain non-jury trials in the District and Circuit Courts, as well as attorney disciplinary matters in the circuit courts, with limited in-person services to be offered as determined by the administrative judge.

Anyone currently entering a courthouse is required to wear a mask,

submit to a written or verbal questionnaire regarding any COVID-19 related symptoms, and submit to a contactless thermometer temperature check.

The Maryland Judiciary continues to follow guidelines from the Maryland Department of Health and Centers for Disease Control and Prevention to prevent the spread of COVID-19 and is routinely cleaning

buildings with a focus on frequently touched surfaces.

[You can find more information on COVID-19 and court operations online here.](#)

STATE'S ATTORNEY EXPANDS 'TOGETHER WE ARE STRONGER' VICTIM AND WITNESS SERVICES PUBLIC EDUCATION CAMPAIGN

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and witness services such as court accompaniment, victim witness relocation, sign language interpreters, victim/impact statements, transportation arrangement and grief counseling.

"Many of our residents are staying at home or in nearby communities during the COVID-19 pandemic, sometimes exacerbating difficult situations by being in close contact and confining with criminal activity," said State's Attorney Marilyn Mosby. **"These factors have contributed to an increase in domestic violence cases, so we want to ensure that all parties affected by this damaging crime are aware of the resources available to them."**

This campaign is the most recent milestone in the Mosby administration's commitment to keeping Victim and Witness Services a paramount priority for the agency. Since 2015, the Baltimore City SAO has secured over \$7.9 million in Victims of Crime Act (VOCA) grant funds through

the Governor's Office of Crime Control and Prevention including \$50,000 in COVID relief funding for personal protection equipment. The grant funds have underwritten this campaign and provided the support for the Baltimore City SAO to double the size of the Victim and Witness Services Unit, adding

office has served 7,199 victims and witnesses to date.

In March of 2018, the Baltimore City SAO unveiled a new trauma-informed therapeutic Victim and Witness Services Waiting Room in the Mitchell Courthouse that was renovated to create a more welcoming space for victims and witnesses

"If you or your loved one are a victim or witness of a crime, please call 1-877-SAO-4TIP and visit TogetherWeAreStronger.com for information on local resources available. We must prioritize resources to ensure the protection and support for victim and witnesses of crime to make it easy to come forward and put an end to the vicious cycle of witness intimidation and the 'stop snitching' mentality." — State's Attorney Mosby

20 new victim advocate positions that are assigned to every division of the Baltimore City SAO. In the past two years, the office has served 18,586 victims and witnesses – 34 times the 546 victims and witnesses served in 2015. This year alone, the

office of crime to receive services and await their appearances in court. The renovation included a dedicated play area for children, power-integrated furniture, and a computer allowing visitors to access resources while they await trial. In 2019, the agency also launched an app that commu-

nity members can download called the Community Court Watch App, an on-line tool that allows the user to track cases, available through Google Play and the Apple App store. In 2018, approximately 35% of the cases that we dismissed were due to the lack of victim/witness cooperation and/or victim/witness unavailability. Last year 30% of the cases we dismissed were due to the lack of victim/witness cooperation.

"If you or your loved one are a victim or witness of a crime, please call 1-877-SAO-4TIP and visit TogetherWeAreStronger.com for information on local resources available," said State's Attorney Mosby. **"We must prioritize resources to ensure the protection and support for victim and witnesses of crime to make it easy to come forward and put an end to the vicious cycle of witness intimidation and the 'stop snitching' mentality."**

BALTIMORE CITY SAO ELIMINATES 586 WARRANTS

On June 25, Baltimore City State's Attorney Marilyn Mosby announced that her office has successfully eliminated 586 open warrants, and dismissed the underlying cases. The cases relate to offenses the Baltimore City SAO is not currently prosecuting, and include the following offenses:

- ▶ CDS (DRUG) POSSESSION
- ▶ PARAPHERNALIA POSSESSION
- ▶ PROSTITUTION
- ▶ TRESPASSING
- ▶ MINOR TRAFFIC OFFENSES
- ▶ OPEN CONTAINER
- ▶ ROGUE AND VAGABOND
- ▶ URINATING/DEFECATING IN PUBLIC

On March 18, State's Attorney Mosby announced that her office was not prosecuting the aforementioned offenses during the coronavirus. Unfortunately, we became aware that people were still being arrested due to open warrants for failing to appear in court on an offense the office no longer intended to prosecute. Unlike a standalone offense, the Baltimore City SAO has to go to court to request that the warrant be "quashed" before being able to dismiss the case.

Baltimore City SAO prosecutors gathered and assessed open and pending warrants, requested hearings to eliminate the warrants and entered a "nolle prosequi" in each case, effectively dismissing the

charge. The hearings took place in District Court on June 17 and ended on June 19. An additional hearing took place in Circuit Court. 540 warrants were quashed (eliminated) in the district court and 46 misdemeanor warrants were quashed in the circuit court. The underlying charges were dropped in each instance.

The office is currently working to dismiss all cases that were the subject of a citation, where an individual may have been instructed to appear in court on an offense the SAO is not currently prosecuting. Serious traffic offenses, burglary, theft, and drug sales remain prosecutable offenses.

STATE'S ATTORNEY MOSBY SPEAKS TO NATIONAL MEDIA ABOUT GEORGE FLOYD CASE

The State's Attorney's appearances on MSNBC, CNN, Nightline, and an Op/Ed in the New York Times have echoed the sentiments of the individuals protesting police brutality against Black and Brown people and have reinforced her decision to bring charges against the BPD officers involved in the death of Freddie Gray in 2015. She has also participated in numerous virtual discussions surrounding the issue including:

- ▶ [Justice is on the Ballot](#) hosted by The Collective PAC
- ▶ [Building Trust Between Police and the Communities They Serve](#) hosted by Columbia University's School of International and Public Affairs
- ▶ [Unmuted: A Legal Perspective](#) hosted by the NAACP

The State's Attorney has discussed the need to change the culture and function of police departments and their unions, as well as the challenges prosecutors face when it comes to holding police accountable. She has outlined several challenges and steps needed for systemic change including:

1. **Police should not be policing themselves.** A police department that investigates their own officers and presents those findings to the prosecuting office presents a natural conflict of interest. A prosecution is only as good as the investigation on which it is built.
2. **It's time to re-think and revamp the outdated internal affairs approach to police misconduct investigations.** A prosecutor's office needs the ability to independently investigate and prosecute the police from the start to the completion of a case.
3. **Provide better whistle blower protections.** While witness intimidation is widely recognized and tracked in traditional criminal cases that are prosecuted on a daily basis, unspoken witness intimidation occurs behind the blue wall of silence.
4. **Police often circumvent juries and choose bench trials.** When we are able to go to trial for police officers, it is in the hands of the defense to decide if the trial will be a jury or bench trial.
5. **Repeal of LEOBOR.** There are officers that have been convicted of misdemeanors that pertain to their credibility that are still on the payroll because of the Law Enforcement Officer's Bill of Rights (LEOBOR).
6. **Misconduct should be a statutory felony crime with a defined sentence, which would allow the Police Commissioner the ability to fire the guilty officer.**
7. **We need a system to publicize and share information on misconduct across the state.** Someone with integrity issues for misconduct in Baltimore City should not end up working for Anne Arundel County a few weeks later.
8. **Restrict police unions power.** We have seen over the years that police unions will fight reform tooth and nail at every turn and we must limit their political involvement because they exacerbate the toxic culture of political division in this country.

STATE'S ATTORNEY DELIVERS TESTIMONY AT VIRTUAL POLICE REFORM SESSIONS

In September, State's Attorney Marilyn Mosby testified at two police reform and accountability sessions with the Maryland General Assembly and the Senate Judiciary Committee. The State's Attorney was joined by members of the Maryland State's Attorney Association, the Office of the Public Defender, and criminal justice advocates.

"Now that the blinders have been removed from Americans, particularly from conservative associations in the State, denial is no longer a choice and we recognize that we will be a better country only when we move from protest to policy," said State's Attorney Mosby. *"I support all the recommendations of The Maryland State's Attorney Association, all of which my office has been advocating for the past five years."*

The State's Attorney went on to elaborate and define reform initiatives that are particularly important for Maryland to embrace.

"Because police misconduct is currently a misdemeanor, officers remain on the payroll, even when incarcerated. Changing misconduct to a felony would enable speedier dismissal, but this must also be

coupled with reform that makes it easier for police commissioners to get rid of problematic officers," said State's Attorney Mosby. *"Misconduct should be a statutory felony crime with a defined sentence. There are instances where police have not been forthright about a crime, and the statute of limitations has expired."*

State's Attorney Mosby also testified that LEOBR has hindered her office's ability to investigate misconduct cases, including the officers involved in Freddie Gray's death and the Gun Trace Task Force.

"In case after case, LEOBR has made it harder for our office to investigate officer actions, harder to make charges stick, and harder for the public to learn what is actually happening," the State's Attorney said. *"By design, LEOBR reinforces the 'Blue Wall of Silence' under which good cops are pressured to keep silent, essentially perpetuating a culture where misconduct is acceptable and expected to some degree."*

The State's Attorney's Office has successfully prosecuted and convicted 22 officers since April 2015, but LEOBR has ensured that

State's Attorney Pens Numerous Articles Addressing Police Reform

[Prosecutors, Please Stand Up to the Police](#) - New York Times

"Minor offenses should not lead to deadly encounters with officers. But when police brutality happens, the state should come down hard."

[Marilyn Mosby: Rethink policing and restore Baltimore](#) | COMMENTARY - Baltimore Sun

"Now as our nation demands police accountability following the murders of George Floyd, Breonna Taylor, and Rayshard Brooks, the systems that prevent police accountability still exist."

[I was the prosecutor in the Freddie Gray case. Here's what Minneapolis should know.](#) - Washington Post

"Like any American, I was sickened by footage of a police officer kneeling on the neck of George Floyd, forcing the life out of him as he struggled to say the words that have defined a movement: 'I can't breathe.' In 2015, I found myself at the heart of a similar national storm after Freddie Gray, a 25-year-old black man, was killed while in Baltimore City police custody."

some of those convicted officers remain on the force.

To watch a recording of the work-group session from September 17,

click [here](#). To watch a recording of the Senate Judiciary Committee session from September 25, click [here](#).

AS ELECTION APPROACHED, STATE'S ATTORNEY RELEASED STATEMENT ON GENERAL ELECTION

In October, State's Attorney Marilyn Mosby reminded prosecutors of their role in ensuring that they apply the law in the context of next month's election.

"Like many across the country, I am concerned about the potential for violence in the days leading up to and following this year's election," said State's Attorney Mosby in an email to staff. *"I do not expect Baltimore City to be a flashpoint, but as prosecutors we must be ready*

to ensure the law is followed and applied in all circumstances."

[Georgetown University's Institute for Constitutional Advocacy and Protection](#) advised and assisted the State's Attorney's Office (SAO) during the formulation of this policy.

State's Attorney Mosby highlighted a number of troubling incidents and developments [across the state](#) and the [country](#) in her memo to staff and noted that, *"We must also be prepared. While the integrity of elections and voter fraud are under the*

jurisdiction of Maryland's Attorney General and the State Board of Elections, and can be the purview of the Department of Justice, any violence associated with the election that results in arrests by the Baltimore Police Department will ultimately result in cases prosecuted by our office. I am asking you to be vigilant around these types of cases and ensure that such cases receive a forceful response from our office."

State's Attorney Mosby also asked prosecutors *"to pay special attention to alleged crimes that occur in the context of the election, appear to be politically motivated, occur in or around a polling location, or are aimed at voters or election officials."*

[Click here to download the full memo sent to SAO staff.](#)

COLLABORATIVE INVESTIGATION LEADS TO SEIZURE OF 600 PIECES OF FENTANYL FROM DRUG TRAFFICKING ORGANIZATION



out Baltimore City between April and September of 2020.

According to the indictment, the alleged drug trafficking organization, composed of seven

approximately \$22,000 USD, and drug paraphernalia.

Items were seized from target search locations including a cut house on the 1800 block of Fairmount Avenue; a stash house on the 800 block of Fairmount Avenue; DTO member's homes on Cherry Hill Road, Lincoln Avenue, and W. Baltimore Street, and two vehicles.

"Continuous collaboration and partnership is key to tackling the violence in our city," said State's Attorney Marilyn Mosby. **"As illustrated today, data-driven tactics, and forthright and deliberate sharing among all local, state, and federal law enforcement partners can strategically combat the violence plaguing our communities."**

"The Baltimore Police Department is committed to making our streets safer and working in collaboration with all of our law enforcement partners to reduce crime in our neighborhood," said Commissioner Harrison. **"I look forward to many more cases like this one in the months and years ahead, as we work together to create a safer Baltimore."**

This investigation was a coordinated effort between the Baltimore Police Department and Baltimore City State's Attorney under the Maryland Criminal Intelligence Network (MCIN). The Governor's Office of Crime Prevention, Youth, and Victim Services provides grant funding and strategic support to MCIN member sites to identify, disrupt, and dismantle criminal organizations through inter-agency collaboration and data sharing to make Maryland safer.

"We are pleased to provide resources that allow police and prosecutors to address the violent crime in Baltimore City, and make progress in realizing Governor Hogan's vision for making communities in Baltimore City safer," said Executive Director Glenn Fueston of the Governor's Office of Crime Prevention, Youth,

individuals, including Javahn Wilson and Richard Cooper who have been arrested, distributed quantities of fentanyl in and around the area of the 1800 block of Lombard Street. Wilson and Cooper, along with the five other alleged suspects, face a total

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—State's Attorney Mosby

of 30 counts of charges including Possession With Intent to Distribute, Conspiracy, Volume Dealer, and CDS Distribution.

The investigation led to the seizure of: suspected cocaine, suspected fentanyl, other suspected CDS, cutting agents, ammunition,

On September 29, 2020, the Baltimore City State's Attorney's Office and the Baltimore Police Department's (BPD) West Side Major Case Squad, announced the indictment of seven suspected drug trafficking organization members, charged with a range of crimes from Conspiracy to Volume Dealer, as well as Possession With Intent to Distribute. If convicted of all charges, the group faces a total of 480 years imprisonment. An indictment is not a finding of guilt. An individual charged by indictment is presumed innocent unless and until proven guilty at some later criminal proceedings.

In April, BPD West Side Major Case Squad detectives, Ryan McLaughlin and David MacNeill, led the investigation into the "One Way" Drug Trafficking Organization (DTO) operating in the 1800 block of W. Lombard Street. Investigators observed seven members of the DTO trafficking fentanyl through-

COURTROOM ACCOMPLISHMENTS

1. On August 12, Gregory Brown plead guilty to the October 2018 First Degree Murder of his stepfather in Mental Health Court. Brown was determined not criminally responsible and was subsequently committed.
2. On August 25, Tiffany Alston was convicted of Voluntary Manslaughter in the stabbing death of her sister that occurred in March of 2018. Alston's disposition hearing is scheduled for December.
3. On September 3, 2020, following a three day jury trial, George Hall was sentenced to five years suspended and three years probation concurrently on two counts of felony theft and embezzlement. Hall was found guilty for embezzling money and stealing equipment from a construction equipment rental company he co-owned with another partner. The continuing theft scheme occurred over a three-year period. In addition to the suspended prison sentence, Hall was ordered to repay his partner \$25,000

and Victim Services. **"We see time and again that drug trafficking is responsible for a large portion of violence in Baltimore City. Dismantling this organization through the Maryland Criminal Intelligence Network means there are fewer drugs and fewer violent repeat offenders terrorizing our communities."**

Team Highlight

CHARGING DIVISION

The Charging Division of the Baltimore City SAO operates 24 hours a day, seven days a week, 365 days a year, including holidays, weekends, and even in the midst of a global pandemic. Division Chief Patrick Motsay and Deputy Division Chief Douglas Vey lead a team of 13 attorneys, 18 paralegals, a program coordinator, office clerk, and computer analyst.

The screening team is comprised of paralegals and experienced attorneys who review the filings and charging documents on all arrests made in Baltimore City. The team makes decisions to release or charge arrestees based on the facts of the case and principles of law; they also make recommendations for every case for the Court Commissioners at the Initial Appearance, advocating for pretrial release, home detention, or holding the defendant without bail. The Charging Division collaborates with other law enforcement agencies to ensure that the most accurate and complete data are utilized during the screening process.

Since COVID-19 hit Maryland in March 2020, the Charging Division has been able to complete all of its duties remotely. The team was immediately equipped with State computers that give them access to the booking system in order for them to complete their work safely from a health standpoint and securely from a technological standpoint. They developed a teleworking system to ensure the health of the team during the pandemic without sacrificing workplace efficiency.

At the onset of the pandemic in Maryland, State's Attorney Mosby instructed prosecutors in Central Booking to immediately dismiss any charges and release individuals

arrested for the following offenses, which are nonviolent, pose no threat to public safety, and would likely result in pre-trial release:

- ▶ CDS (drug) possession
- ▶ Paraphernalia possession
- ▶ Prostitution
- ▶ Trespassing
- ▶ Minor traffic offenses
- ▶ Attempted distribution of drugs
- ▶ Open container
- ▶ Rogue and vagabond
- ▶ Urinating/defecating in public

By expediting the Charging Division's transition to remote work, and the release of nonviolent offenders within Central Booking, the Baltimore City SAO has been

able to balance public safety with public health.

"We are performing extremely well during this time of stress and uncertainty," said Vey. **"In light of the many obstacles we all face during a pandemic, I am proud of the work product that our team is completing. Fully realizing that what we do is relied upon by the entire State's Attorney's Office and the citizens of Baltimore City, I know that our team will continue to push through this challenging time with grace and positivity."**

For more information about the Charging Division, click [here](#).

SAO'S CRIME CONTROL & PREVENTION UNIT WRAPS UP THEIR VIRTUAL SUMMER BMORE POP UP SERIES

Beginning Friday, July 10, the BCSAO has hosted a one hour, virtual party weekly at 7PM that concluded on August 28, through Facebook and YouTube Live, and featured celebrity guests, prize raffles, and live music.

Participants interacted with some of their favorite local artists and DJs. The event was made possible by partners including DJ Quick-silva, DTLR, Parks and Recreation, Baltimore City School Police, the

Mayor's Office of Children and Family Services, Baltimore City Health Department, and Radio One. The finale show included special live performances by **Delina Hillock and Woody Rock**, as well as a conversation with **Grammy & NAACP Image award-winning artist Tamela Mann and her husband, NAACP Image award-winning actor and comedian David Mann.**

[Click here to watch a recap of the 2020 virtual Bmore PopUp Series](#)

