Policies Aimed at Reducing Mass Incarceration

1. Limit the Use of Money Bail & Expand Pre-Arrest Diversion

The continued use of unjust cash bail policies contributes to the overall incarceration of poor people and people of color by keeping them incarcerated simply because they are too poor to pay bail.

What role, if any, do you think money bail should play in our justice system?

I think we should minimize, if not, eradicate the role of money bail in our justice system.
If elected, what changes will you implement in your office to limit the use of money bail in the justice system?

As the State’s Attorney for Baltimore City, I have already instituted a policy to not ask for cash bail in any case unless we know the financial circumstances of the accused. Furthermore, under my leadership, my office has secured an almost half a million dollar “smart prosecution” grant to establish a validated risk assessment tool for bail recommendations. Depending on the results of the validated risk assessment, I would consider implementing the elimination of cash bail recommendations altogether.

Since the implementation of new judicial rules regarding money bail, public defenders and advocates have reported an uptick in requests for “no-bond.” Will you support legislation that further limits these “no-bond” requests?

Yes. However, when individuals pose a flight risk or are a threat to public safety, it is important to impose “no bond”. An example is the recent “Waffle House” shooting, where the assailant is a clear threat to public safety.

If elected, will you prohibit line attorneys from requesting “no-bond” for all defendants eligible for release, unless there is a substantial risk to the community or high likelihood of flight by at least clear and convincing evidence?

- Yes
- No

Will you support expansion of pre-trial unsecured bonds?

- Yes
- No
Will you support expansion of the County’s Pretrial Release Program to ensure that those made eligible for the program do not have to wait for weeks to be released?

☑️ Yes

☐ No

Will you support the establishment of pre-charge diversion programs that by way of a deferred prosecution (known as a STET disposition), end, upon completion, with dismissal?

☑️ Yes

☐ No

Will you refuse or return any campaign donations from bail bonds companies, or executives or owners of bail bonds companies?

☑️ Yes

☐ No

2. Keep People Out of Jail for Drug-Related Offenses

Years of experience with ineffective drug laws and the latest medical research on addiction suggest that treating drug use as a public health issue, as opposed to a criminal justice issue, is a more effective approach to reducing harm.

Will you support changing the County’s Drug Court program to include a pre-plea diversion program for all low-level drug offenses?

☑️ Yes

☐ No
What do you consider a low-level drug offense?

Will you decline to prosecute marijuana possession or distribution of less than four ounces? If not, why not?

Misdemeanor grade offenses, such as, Attempted Distribution of CDS, Possession of CDS, and CDS Paraphernalia.

Will you commit to charging a cite-and-release misdemeanor for all cases involving possession of less than one ounce of controlled substances?

- Yes
- No

In the absence of sufficient evidence of intent to cause death, will you commit to not charging drug overdose cases as homicides?

- Yes
- No

Will you publicly support the creation of safe injection sites in your county, to provide those suffering from drug addiction with access to clean supplies, naloxone, and medical or addiction treatment?

- Yes
- No
3. Adopt Policies to Avoid the Criminalization of Poverty

Local criminal justice systems disproportionately harm people living in poverty. Whether through the imposition of fines and fees as a condition to resolving cases, or through laws that effectively criminalize homelessness, local actors have imposed a poverty penalty on many within the community.

Will you refuse to permit “ability to pay” to play a role in determining eligibility for bail, a plea agreement, the appropriate sentence, or entrance to a diversionary program?

- Yes
- No

Will you agree to waive fees for anyone who cannot pay for associated and mandatory classes associate with diversion programs? If no, why not?

- YES

Will you oppose incarceration based upon the failure to pay fines or fees, unless there is uncontroverted proof the individual is able but willfully refusing to pay?

- Yes
- No

Will you establish a strong presumption against prosecuting loitering laws, public urination violations, and other conduct that is a symptom of homelessness or poverty?

- Yes
- No
Policies Aimed at Reducing Excessive Punishments

1. Treat Kids Like Kids

Recognizing that children’s brains continue developing until around the age 25 and that research supports their enhanced capacity for rehabilitation, children should not be prosecuted in adult court and they should not be given punishments that preclude the opportunity for redemption.

Will you decline to ask for sentences that are de facto life without parole for any person under 18 at the time of the offense and join defense motions to reconsider existing sentences of this kind?

- Yes
- No

Will you establish a strong presumption against prosecuting Department of Juvenile Services referrals from school suspension or expulsion cases when there is no use of force resulting in serious physical harm?

- Yes
- No

Will you establish a presumption of consenting to the transfer of juvenile defendants automatically charged in adult court to juvenile court?

- Yes
- No

Will you publicly support changing any and all “direct file” laws that require children to be prosecuted as adults?

- Yes
- No
Will you publicly support laws that raise the age of adult criminal responsibility?

- Yes
- No

2. Promote Proportionate Sentencing and Provide Pathways to Second Chances

People are more than their worst acts, and even people who commit the most serious offenses often change their lives profoundly over time. To recognize the worth and potential for growth in all people, it is important for locally elected prosecutors to provide individualized consideration to the character and background of each person and to the circumstances surrounding the commission of the offense. It also is critical for elected prosecutors to promote opportunities for release, through parole or clemency, and to help remove barriers to reentering society for those who are released from incarceration.

Will you commit to reducing the percentage of cases where a maximum sentence is sought by prosecutors?

- Yes
- No

Will you pledge to establish an office policy against increasing or threatening to increase the number or severity of charges in order to secure more favorable plea dispositions or waivers of rights?

- Yes
- No

Will you publicly oppose any proposed legislation that would create new mandatory minimum sentences or lengthen existing minimum sentences?

- Yes
- No
Will you allow line attorneys to recommend sentences below mandatory minimums where factual bases permit pleas to lesser included offenses?

- Yes
- No

Will you pledge to support second chances by both limiting parole opposition and committing to affirmatively advocate for parole on behalf of those who demonstrate outstanding growth and maturity during their incarceration?

- Yes
- No

3. Promote Policies That Aid Undocumented Communities

To prevent collateral consequences of convictions, will you implement an office-wide policy requiring prosecutors to consider immigration consequences in charging, plea, and sentencing decisions?

- Yes
- No

Will you decline to require a guilty plea before admission to a diversion program?

- Yes
- No
Will you establish or continue to support a policy to support non-citizens who are seeking post-conviction relief based on a defense attorney's ineffective assistance regarding immigration consequences?

- Yes
- No

Will you prohibit line attorneys from collaborating with ICE by aiding in the arrest and removal of defendants in the courthouse?

- Yes
- No

Policies that Promote Police Accountability

Although charged with serving and protecting, police officers are too often the perpetrators of violence against our communities—as has been seen regularly in Maryland. Enhancing transparency and accountability is crucial to promoting trust between the community and law enforcement. In the wake of flood of police misconduct, especially violence against people of color and children, the State's Attorney must be committed to rigorously and independently investigating and prosecuting police misconduct.

Will you commit to the creation of a special prosecution unit to investigate and charge allegations of police misconduct, including police-involved violence and corruption?

- Yes
- No

When legally able to do so, will you release any dash-camera, body-camera, or other audio or video footage related to police-involved misconduct within 24 hours of any charging decision?

- Yes
- No
Will you decline to utilize testimony from officers known to have committed misconduct in the past including, but not limited to, perjury, making false allegations, or withholding exculpatory evidence from the defense?

- Yes
- No

Will you release to the defense and to the public any internal lists identifying officers with a history of lying or other misconduct?

- Yes
- No

Policies that Promote Transparency and Accountability to the Community

Enhancing transparency and accountability within the State's Attorney's office is critical to ending the win-at-any-cost pursuit of high conviction rates that is failing our communities. Our elected prosecutors must build a culture focused on seeking justice for victims, and ensuring that justice is equal. This requires being open to community scrutiny and feedback, paying close attention to racial disparities, and prioritizing the needs of victims and their families.

Will you maintain and publish regular statistics about prosecution, including the number of misdemeanor and felony cases filed each month, disposition statistics, pretrial incarceration rates and length of stay by offense category, and average bond for each class of offense, to measure the effectiveness of policies aimed at efficacy and reform?

- Yes
- No
And will you include race information at all steps, committing to publicly report any significant racial disparities at any stage of the process?

- Yes
- No

Will you build a staff that reflects the diversity of the community the office serves?

- Yes
- No

Will you commit to regular communication with community members and organizations, including regularly scheduled open sessions and regular meetings with civilian oversight boards to listen to and then address concerns over police-community relationships and allegations of police brutality?

- Yes
- No

Policies that Guard the Community Against Abuse of Power by Officials

Fraud and public corruption undermines public trust in government. There's also the inevitability of mistakes that in the case of public prosecutions are inevitable and their impacts can be life altering. It's crucial that elected prosecutors serve as one of the first lines of defense to protect the less powerful in our society from exploitation, especially when it comes to abuse of power by those in government who are supposed to act in the public interest.
Will you end the process of abusive civil asset forfeiture wherein the county seizes cash or possessions before there has been conviction or instances where there is not even proof of criminal activity?

- [ ] Yes
- [ ] No

Will you commit to use asset forfeiture only in criminal cases after a conviction has been obtained, and ensure there is a meaningful opportunity for members of the community to contest seizure when it happens?

- [ ] Yes
- [ ] No

Will you support statewide legislation to end the use of civil asset forfeiture?

- [ ] Yes
- [ ] No

Will you ensure the return of personal property seized in relation to an investigation immediately upon the conclusion of the fact-finding stage (following dismissal, plea or trial)?

- [ ] Yes
- [ ] No
Will you create mechanisms for a second look at charging decisions, plea bargains and convictions, because mistakes are inevitable and the consequences life-altering?

- Yes
- No

If it does not exist, will you create a conviction review unit, complete with an independent panel to review the unit’s findings? Will you operate that unit transparently and publish regular data summarizing the unit’s findings?

As State’s Attorney for Baltimore City, I’ve created the only Conviction Integrity Unit in the State of Maryland, which is dedicated to the re-investigation of Actual Innocence Claims of Wrongful Convictions. We acquired a grant and are currently collaborating with the Mid-Atlantic Innocence Project to develop an independent review process in the assessment of our cases. We are also utilizing the nationally recognized expertise of Professor Ronald Sullivan, Harvard School of Law, to come and assess the processes employed within the Division. Last but certainly not least, for the past 2 years, we have been working with the Quattrone Center out of the University of Penn Law School to conduct and ultimately publish a root cause analysis for 1 of 2 exonerees under my administration.
Please use the space below to explain or elaborate upon your response to any of the questions above.

Q: Will you decline to prosecute marijuana possession or distribution of less than four ounces? If not, why not?
A: I would seriously consider it.

JUVENILE QUESTIONS:
Statutorily juveniles that commit the most heinous offenses are automatically charged in adult jurisdiction in the state of Maryland. In the city of Baltimore, we’re experiencing a significant increase in brutal youth violence, whereby I must consider the heinousness of the offense, the prior records and/or amenability of the juvenile to treatment based on overall circumstances of each case.

Will you pledge to support second chances by both limiting parole opposition and committing to affirmatively advocate for parole on behalf of those who demonstrate outstanding growth and maturity during their incarceration?
Yes
No, because it is not within my prosecutor’s job responsibilities and I do not have the resources to do it.
Please provide any additional information that you would like to share.

I've been in office for a little over 3 years and the vast majority of the progressive policy reform proposals that you inquire about, I've already implemented. From my policies on bail, providing individuals a second chance at triumph, to promoting policies that aid undocumented communities; the hallmarks of my administration have been transparency, community engagement, police accountability and reform.

OUR HIGHLIGHTS FROM 2017 INCLUDE:

Tackling Crime in the Courtroom

• We prosecuted over 41,000 cases including nearly 3,800 felony cases in Circuit Court.
• Our prosecutorial units continued to deliver justice. The Felony Trial and Special Victims Units closed the year with 92% and 94% conviction rates respectively.
• We successfully convicted every Public Enemy #1 who has been brought to trial since 2015; collectively, their sentences include six life sentences and 700+ years in prison.

Serving Our Victims and Witnesses

• Our Victim/Witness Unit doubled in size in 2017 with the support of a record $2.4 million in grant funding.
• We relocated 125 victims and witnesses of crime.
• Our 3rd Annual Winter Solstice Banquet and victim fund raised over $30,000 for the Crime Victims' Emergency Fund, which provides immediate financial assistance to victims of crimes.

Restoring the Community's Faith in the Criminal Justice System

• We launched Community Court Watch—a web-based tool that allows citizens to track case information for crimes occurring in their neighborhoods.
• The Conviction Integrity Unit (CIU)—the only CIU in the state with a program dedicated to investigating wrongful conviction cases—exonerated Lamar Johnson, who served nearly 14 years in prison for a murder he did not commit. CIU will expand in 2018 with the additional of an investigator dedicated to investigating claims of wrongful conviction.
• We continue to review the thousands of cases impacted by the indictments and convictions of eight members of the Baltimore Police Department Gun Trace Task Force.

Investing in Our Youth

https://docs.google.com/forms/d/1NBRkgd2IPU7Ah_lo_qii6m3aMZKzdAsMEW-2e49r3li/edit#response=ACYDBNidhXL4YS639pf8ISxkCAe-EfJrptyxIluTwWCXoV1CO
• Our 2017 Junior State’s Attorneys Program welcomed 45 participants—it’s biggest cohort to date—and was able to pay these young, bright stars for the first time.
• Great Expectations, which introduces 4th grade students to careers in the criminal justice system, expanded its footprint to three schools.
• We launched #BmorePopUp, a summer event series which provides alternative activities for over 2,500 Baltimore youth every Friday evening between 6 and 9 PM—a time frame when juvenile crime tends to spike.