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Via Electronic Mail

The Honorable Lawrence J. Hogan, Jr.
Governor
State House
100 State Circle
Annapolis, Maryland 21401

Dear Governor Hogan:

On September 18, 2019, you released to the media and then forwarded to me a letter demanding that my office take on additional criminal prosecutions involving gang violence and other drug and firearms trafficking in Baltimore City. In my September 23, 2019 letter in response, I made clear that I am willing to provide additional help, but that any appreciable expansion of prosecutions would require significant additional resources.

We are currently working with your Administration to clarify the nature and scope of what you have in mind. In the meantime, I write to request the level of additional resources necessary to make, as you stated, "a difference for the people of Baltimore City." First, I should be clear that to make genuine progress, both my Criminal Division and the Office of the Baltimore City State's Attorney require additional attorneys, investigators, and other support personnel. Second, I believe that, in addition to the troopers assigned recently to Strikeforce, you should deploy more Maryland State Police troopers to the City to provide broader law enforcement support to the Baltimore Police Department.

With respect to the Criminal Division of my office, an expansion beyond our current efforts sizable enough to make a meaningful difference in the level of organized drug and firearms trafficking and violence in the City requires as follows:

- 1. Twenty additional Assistant Attorneys General for prosecution of gang violence and drug trafficking:** Currently, the Criminal Division has ten prosecutors devoted to cases involving gangs, drug trafficking and violent crime.¹ Since its inception, the Organized Crime Unit has undertaken lengthy and complex cases aimed at dismantling violent

¹ Two of these positions are newly funded PINs that are designated for opioid-related investigations and prosecutions.

enterprises in Baltimore and around the State, and, as you have noted, it is achieving significant results. With eight attorneys, the Unit has averaged about 100 investigations each year for Fiscal Years 2016 through 2019, and at least 50 indictments each year. To have any appreciable impact in Baltimore City, and to continue to be responsive to needs elsewhere in the State, the Division needs at least twenty additional prosecutors assigned to developing and prosecuting organized crime cases tied to violence in Baltimore City.

2. **Three permanent firearms prosecutors:** The Division currently has only one, grant-funded, contractual position devoted to firearms and firearms-trafficking prosecutions. Since July 2018, the Division has charged more than 40 firearms cases and assisted in investigations leading to the seizure of 131 firearms. Not only is one prosecutor insufficient, but the necessity of reapplying annually for funding and the contractual nature of the position also limit the pool of applicants and lead to lag time in case development. Therefore, with increased resources, the Division could expand its impact on gun violence.
3. **Five analysts:** To maximize the effectiveness and efficiency of criminal investigations, *e.g.*, through cell phone analysis, scrutiny of social media, mapping, and other intelligence, analysts have become mainstays of law enforcement units. In one currently pending case, for example, the State's discovery includes the data from more than twenty cell phones. The Division, however, has no criminal analysts to assist with the review of this vital information.
4. **Two Victim/Witness Coordinators:** The Division is responsible for meeting victim notification mandates, communicating with victims and witnesses, and arranging for the issuance of summonses. In cases involving violent crime particularly, witnesses require an open line of communication, and prosecutors need the resources to act quickly to ensure their safety. In Fiscal Year 2019, the Organized Crime unit alone worked with more than 400 victims and civilian witnesses in the course of its investigations and prosecutions. Since the Unit's inception in 2015, it has supported more than 600 victims and civilian witnesses in the course of cases involving crimes such as robberies, homicides, car jackings, gang activity and human trafficking. Currently, the Division has no victim/witness coordinators, which means that these responsibilities have fallen on the prosecutors in the Organized Crime Unit.
5. **Victim/Witness funding:** In addition to a victim/witness coordinator, the Division needs dedicated funding to meet housing needs, transportation requirements and other essentials to ensure that victims and witnesses are informed, safe, and able to attend case-related interviews and hearings. As a point of reference, for Fiscal Year 2019, Baltimore City documented receipt of more than \$3.5 million dollars for victim-related services from a variety of sources. Currently, our Division must rely solely on disbursements from the Maryland State's Attorneys Association. Since 2016, the Division has spent \$33,000 for expenses related to victim/witness travel, relocation and other services.

6. **Additional Maryland State Police support:** The Maryland State Police have historically provided critical law enforcement support to the Division, at one point assigning as many as twelve troopers to our office. That number has now been reduced to a single trooper. Additional troopers would significantly leverage the Division's current capabilities.
7. **IT support:** The Division has ongoing, unmet needs with respect to receipt, storage, and disclosure of the vast amount of digital evidence it must handle in all of its cases. An increase in Baltimore City prosecutions would also necessitate obtaining the ability to retrieve, store and review footage from body-worn cameras.
8. **Investigative support:** The Division also requires access to additional databases, software and training. For example, it is currently required to rely on certified law enforcement agents to retrieve and analyze cell phone 'dumps' via a specific software system. An investment of software and training for its investigators would enhance its access to information, reduce wait times, and assist its law enforcement partners. Additionally, access to a digital evidence management and sharing system used by the Baltimore Police Department, along with other essential databases, is necessary to enhance the Division's ability to work seamlessly with law enforcement.
9. **Case support:** The Division currently has only one administrative staff person and no paralegal support. It needs assistance in reviewing and organizing digital evidence ranging from social media search warrant returns, to jail calls and body-worn camera footage. Additionally, it needs transcription software and staff who can transcribe recordings. Currently, prosecutors are doing these tasks with inadequate resources, in addition to their other case-related obligations.

Please let me know if you have any questions.

Sincerely,



Brian E. Frosh
Attorney General of Maryland

cc: Robert Scholz, Legal Counsel