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DEMOCRAT FOR ATTORNEY GENERAL

Plan for Reforming the Criminal Justice System and Protecting Communities from Violent Crime

Executive Summary

After 20 years of working as a judge and a decade as a prosecutor, Marylanders can trust that I will be a tenacious, fair, and experienced chief legal officer. I have seen firsthand how our criminal justice system works — and, too often, does not work for our state’s citizens.

Maryland needs a criminal justice system with three inseparable elements: fairness, accountability, and safety. All Marylanders deserve safe and healthy communities to live, work, and raise a family. But to realize that goal, we must address the systemic failures of the criminal justice system. Far too many lives have been lost. Far too many feel unsafe in their own communities. These inequalities disproportionately impact Black and Brown communities, driving cycles of poverty, crime, and violence that rob people of the opportunity to thrive.

In America, we are often faced with a false choice between safe communities or a fair and accountable criminal justice system. In truth, we can only achieve safer communities when there is fairness and equity in our criminal justice system. The Attorney General has many roles. However, none are as important as working with State and local authorities to ensure that Marylanders are safe, and our criminal justice system is rebuilt on fairness and accountability.

Drawing on my experience in Maryland’s criminal justice system, I will pursue true reform on my first day in office. As a progressive, reform-minded Attorney General, I will work tirelessly to ensure a fair and just application of the law for all Marylanders. The Attorney General’s Office must play a leading role in eliminating law enforcement misconduct and fostering more effective, accountable, and constitutional policing that every Marylander can trust. I will work with partners in State and local government to address root causes of crime, and advocate for upstream investments in violence prevention. And, as the leading law enforcement authority in the state, I will pursue, implement, and advocate for evidence-based policies and recognized best practices to reduce violence, cultivate systemic reform, and promote accountability.

This plan outlines my vision for criminal justice reform and violent crime reduction in Maryland. It includes:

- **Reducing Violence in Maryland, Focusing on Gun Violence**
- **Holding Law Enforcement Accountable**
- **Ending the Domestic Violence Crisis**
- **Working to Legalize Marijuana and Pursuing Remedies for Communities Disproportionately Harmed by Discriminatory Marijuana Laws**
- **Reforming Juvenile Justice to Ensure Our Young People Reach Their Full Potential**
- **Creating a Sentencing and Conviction Review Unit to Ensure Justice for Wrongfully Convicted or Disparately Punished Individuals**
- **Expanding a Right to Counsel in Immigration and Housing Courts**
- **Establishing a Panel to Study the Disparate Impacts of Criminal Justice Enforcement Across Demographics**

Working with State and Local Authorities to Reduce Violent Crime Across Maryland, Focusing on Gun Violence

During Governor Hogan’s two terms, the rate of homicides and nonfatal shootings in Maryland has soared. Despite having some of the strongest gun laws in the country, gun violence rates in Maryland have increased by 36% — over twice the national average. This increase includes a 53% increase in gun homicides. This violence disproportionately impacts marginalized communities. Black Marylanders are seventeen times more likely to be victims of gun violence than white Marylanders. Firearms are used in more than half of all intimate partner homicides in the United States — women are shot to death in an intimate partner homicide once every 14 hours.

Once safe communities now struggle for economic advancement; social progress, and individual growth are stymied in the face of increased violence. Improving state and local coordination to identify and address the root causes of crime in our state will be a top priority of my office. In addition, I will support local prosecutors and officials in developing equitable, constitutional, and sustainable violence reduction strategies.

To reduce gun violence, I will:

- Pursue cases against those caught illegally trafficking guns into Maryland. I will lobby the General Assembly to ban “ghost guns,” which are unserialized and untraceable firearms, as well as 3D printed ghost guns that can be bought online and assembled at home. My office will hold manufacturers accountable for the harm they cause in communities; as Attorney General, I will join existing lawsuits to prevent these companies from peddling their weapons in Maryland.
- Prosecute white nationalist groups, domestic terrorist organizations, and any organized effort to impede government operation or the sanctity of our elections.
- Support the expansion of community-level Safe Streets programs, which use evidence-based strategies and mediation to prevent violence. Safe Streets programs successfully de-escalated over 500 conflicts in Baltimore in 2021, and we should expand this successful model statewide.
- Work with and join bodies like the Baltimore City Criminal Justice Coordinating Council to identify methods to improve criminal justice administration, state and local coordination, and achieve systemic improvement in Maryland.
- Instruct my office to join the existing Federal/state Violent Crime Strike Force to support its complex investigations leading to state and federal prosecutions of high-level violent criminal organizations.
- Advocate for legislation that gives victims of gun violence the ability to sue arms manufacturers. The gun industry is protected by the PLCAA, a federal act which protects manufacturers from wrongdoings connected to their products. Maryland should follow the lead of states like New York, requiring manufacturers take steps to prevent their products from falling into the wrong hands, and allowing victims to sue those who don’t.

Furthermore, an extraordinary amount of gun-related violent crime stems from repeat offenders in the parole system or otherwise under supervision. In the first two months of 2020, [37%](#) of people that were victims of, or suspects in, murders or non-fatal shootings in Baltimore City were actively under the Department of Parole and Probation’s supervision. I will commit to an audit of the Division of Parole and Probation to ensure that there are enough agents to monitor violent offenders.

Holding Law Enforcement Accountable

America has borne witness to a series of heartbreaking tragedies. In recent years, Anton Black, Freddie Gray, Breonna Taylor, George Floyd, Elijah McClain and many others have died due to their interactions with police. Sadly, proper training and supervision could have prevented these unnecessary deaths. Under the leadership of House Speaker Adrienne Jones, the Maryland General Assembly began the hard process of reforming the laws governing law enforcement interactions with citizens with the passage and veto override of the Police Accountability Act of 2021. As Attorney General, I will ensure this law is implemented and enforced.

In overseeing the implementation of this landmark legislation, I will:

- Ensure that local jurisdictions fully abide by Anton's Law, an important piece of 2021 legislation that requires criminal investigations and misconduct records of police officers to be publicly available information. I will ensure jurisdictions comply with public records requests instead of stalling or charging prohibitive fees to attain answers.
- Develop a legal curriculum to train local Police Accountability Boards and Charging Committees, ensuring equitable treatment of citizen complaints and proper review of internal investigations.
- Work with local jurisdictions to uniformly train internal victims' rights advocates, who work with complainants affected by police misconduct.
- Increase legal support to the Maryland Police Training and Standards Commission as they develop entry-level police training to improve and enhance courses that effectively teach the application of federal and state constitutional provisions.
- Offer advanced 4th Amendment training as a resource for state and local police agencies, their command staff, and veteran officers.
- Assist local jurisdictions in implementing Police Early Warning Systems to detect patterns of problematic police behavior and correct the behavior through retraining.
- Ensure advanced legal and ethics education in-service for all police supervisors.
- Provide training for local trial board prosecutors; offer experienced assistant attorney generals to local jurisdictions to prosecute internal police misconduct cases.
- Seek resources to help locals divert 911 calls to appropriate support agencies consistent with the General Assembly's legislatively mandated study findings.

In 2021, the Maryland General Assembly created the Independent Investigations Division in the Attorney General's office to investigate every alleged or potential police-involved death of a civilian.

To fulfill this legislative mandate, I will:

- Work with legislative leaders to give the Attorney General's office primary authority to prosecute cases of police misconduct that resulted in civilian death.
- Seek additional resources to hire additional investigators and liaisons with local police agencies.
- Using the discretion of my office, collaborate with local prosecutors in investigations, where appropriate.

Finally, I will work with the General Assembly to draft, introduce, and pass legislation that reflects a progressive vision for policing in the 21st century. Such legislation would include requiring officers to give verbal warnings before shooting, establishing use of force continuums, and ensuring that police departments across the state are tracking and comprehensively reporting all instances of force being used on citizens.

Ending the Domestic Violence Crisis

Currently, Maryland is experiencing the worst spike in domestic violence in our lifetimes. A [Frontline](#) report found that Maryland experienced a 93% increase in domestic-violence-related shooting deaths last year. In 2021, violent domestic crime in Baltimore alone rose 31%. [One in three American women](#) and one in four American men will experience physical violence, sexual violence or stalking victimization by an intimate partner in their lifetimes. Nationally, for the first time ever, [homicide](#) is the top cause of maternal death.

This is unacceptable. For 20 years as a judge in Baltimore, I advocated for domestic violence reform. I heard criminal and civil domestic violence cases and volunteered to travel around the country to teach other judges about how they can handle domestic violence cases in an effective and protective manner. As Maryland's Attorney General, I will use my expertise to end the current domestic violence crisis. It is critical that the state's top legal officer understand that domestic violence is a unique threat to our communities, and I will use the Attorney General office's to call attention to these crimes.

This agenda to end domestic violence includes:

- 1) Continuing to Reduce the Untested Sexual Assault Evidence Kit Backlog
- 2) Reforming Sexual Assault Laws to Protect Victims
- 3) Ensuring Victims Services are Accessible to All Marylanders

In my separate Domestic Violence policy paper, I will detail each of these priorities. The Attorney General has the platform and legal authority to make important progress in making Maryland homes safe. This agenda will effectively prosecute abusers, prevent future abuse, and provide victims with the resources and care they need in one of the most vulnerable moments of their lives.

Legalizing Marijuana

Maryland should follow the model of 18 other states and legalize marijuana. Marijuana and cannabis do not need to be a cause of violence in our communities. Instead, legalization is essential to reorient our criminal justice system towards more urgent issues.

I recognize that legalization alone will not undo the disproportionate harm that marijuana laws have had on communities of color. Therefore, my office will advocate for a legalization bill that includes provisions for the automatic expungement of non-violent cannabis-related convictions and the direction of the tax revenues on marijuana sales towards social programs, increased education funding, and other restorative policies in traditionally over-enforced communities.

I will also support a legalization process that ensures legalization creates economic opportunity in the communities that were historically most impacted by drug enforcement. Black and Brown citizens bore a disproportionate burden in the enforcement of marijuana laws, and they must share in the wealth creation opportunities that legalization could lead to. This means ensuring racial equity in the companies and joint ventures that become licensed to distribute marijuana in Maryland.

Reforming Juvenile Justice

Maryland's juvenile justice system must provide support to help children transition to successful adulthood — rehabilitation and saving the futures of those who enter that system. Non-incarcerable solutions and rehabilitation need to be our state's priority in our juvenile justice system.

I will advocate for amending Maryland law to end the automatic charging of juveniles as adults, as called for in the recently introduced S.B.165. The system right now is deeply flawed, evidenced by the fact that nearly 90% of children pushed to the adult system are of color. As a former Assistant State's Attorney and Judge, I understand that the burden should be on the state to advocate for adult charges. A waiver should not be an automatic and binding designation for the courts. Additionally, I support efforts outlined in H.B.315, which would require law enforcement officers to provide reasonably calculated notice to the guardians of any child they take into custody. H.B.315 would also require officers to ensure a child has consulted with an attorney and that an effort was made to contact a child's guardian before any interrogation takes place.

Moreover, we must expand educational programs to help rehabilitate and reorient juveniles involved in the justice system. Using reports from the Juvenile Justice Monitoring Unit, I promise to lead interagency efforts to ensure that children in the juvenile justice system have the economic, social, educational, and health resources they need to reorient their lives.

Finally, Maryland needs a strong Attorney General that will partner with community groups like the Family Tree, which are focused on strengthening families through parenting classes, home visits, and counseling, to guarantee that children involved in the criminal justice system return to healthy homes as they seek to find a successful path.

Create a Sentencing and Conviction Review Unit to Ensure Justice for Wrongfully Convicted or Disparately Punished Individuals

The Attorney General's office needs to take the lead in exposing wrongful convictions across the state. In April 2021, Dr. David Fowler, the former Chief Medical Examiner for Maryland from 2002-2019 gave scientifically dubious testimony in defense of Derek Chauvin, who was on trial for murdering George Floyd. In response to that testimony, Attorney General Brian Frosh created a team within the Attorney General's office to review in-custody death determinations made by the Office of the Chief Medical Examiner while Dr. Fowler led the office.

This is an essential step towards accountability and preserving integrity in the prosecutorial system. But it is not enough. More than 2,700 wrongfully convicted people in the United States have been exonerated since 1983. But unfortunately, thousands more may remain imprisoned. The National Registry of Exonerations estimates that more than half of these wrongful convictions result from prosecutor and other official misconduct, particularly the withholding of exculpatory evidence that could be used to prove innocence. As Attorney General, I will not only continue the Fowler investigation, but also expand efforts to discover and reverse wrongful convictions.

As Attorney General, I will lobby the General Assembly to establish an Innocence Sentencing and Conviction Review Unit in Maryland. This will follow the model of conviction integrity units recently set up in state Attorneys General offices in Pennsylvania, Virginia, and New Jersey. This Unit will independently investigate claims of wrongful convictions that resulted from official misconduct, forensic errors, or other factors. Based on this Unit's work, I will ask courts to reverse convictions that resulted from misconduct and encourage the prosecution of any person in the criminal justice system that broke the law to secure a wrongful conviction.

Furthermore, I will assign more attorneys to work with the parole commission to assist in case review and Commissioner training. Partnering with the parole commissions to reduce incarceration and recidivism across Maryland is vital to so many families in our state. And in pursuing that goal, we must expand re-entry programs that equip returning citizens with the education and work skills to facilitate successful transitions.

Expanding Access to Counsel Across Maryland

Maryland needs legal services to ensure that all residents have access to legal counsel that can fully defend their rights and interests under the law, particularly in moments of extreme vulnerability. Each citizen has a constitutional right to be provided counsel in a criminal trial. But as a Judge, I have seen how pro se defendants are disadvantaged in civil adjudications. Therefore, I support expanding a statewide right to counsel that covers defendants in housing and immigration courts.

Immigration courts are a point of extraordinary vulnerability for many of our neighbors. The Trump Administration exposed the often unethical and aggressive tactics of ICE. A right to counsel in immigration courts will be an important bulwark against wrongful deportations, inhumane detention, and procedural abuses by the federal government. I will stand against these abuses as Maryland's Attorney General, but individual counsel is going to create an immediate difference in the lives of our most vulnerable neighbors.

Through the pandemic, housing has been exposed as one of the most precarious policy areas in Maryland. As a Judge, I supported

efforts to help pro se defendants navigate our self-help centers. But it is often not enough, and I support expanding the right to counsel in Maryland to include landlord-tenant disputes. While it may not be obviously involved in criminal justice, studies show that housing insecure people are more susceptible to becoming caught in the criminal justice system, either as victims or defendants. This policy can help drive down crime rates and preventable incarcerations.

Establishing a Panel to Study the Disparate Impacts of Criminal Justice Enforcement Across Demographics

Finally, as part of a comprehensive, truly equitable policy approach to criminal justice, I would use the Attorney General's office to study the disparate impacts of criminal justice enforcement across demographics. This panel would be tasked with highlighting the full ramifications and disparate impact of criminal justice laws, including those laws that govern policing and prosecution across the state. We need to identify and repeal laws that only serve to perpetuate systemic biases in the criminal justice system. I support eliminating pretextual traffic stops, decriminalizing the possession of drug paraphernalia, and establishing new drug enforcement priorities aimed at violence reduction and expanded treatment availability. But these steps alone will not be enough. We need a clear accounting of the laws which functionally operate to uphold inequitable systemic biases. A study on systemic inequities in the criminal justice system would be a landmark step in that direction.

This panel would also be a good opportunity to evaluate whether our social services are functioning in a way that drives down crime and promotes rehabilitation long term. Mass incarceration and high recidivism rates are emblematic of how the criminal justice status quo is failing to function properly. Recidivism occurs because our prison system fails to rehabilitate incarcerated citizens. Warehousing offenders in violence-filled penitentiaries designed to punish, rather than reform, only fuels the cycle of violent crime. As Attorney General, I will aggressively work with State Corrections officials to root out corrupt prison officials who undermine rehabilitation efforts. I will ensure the effective investigation and prosecution of inmate-on-inmate violence. And finally, I will advocate for programs to help incarcerated citizens develop marketable skills and ensure the successful transition of these returning citizens to their families and our community. We can reduce long-term incarceration rates and violence in Maryland by making firm commitments to truly rehabilitative pathways to justice.

Conclusion

We can only achieve a safer Maryland by creating a more accountable, equitable criminal justice system. This achievement will occur through the collaboration of all stakeholders under the leadership of my office. Drawing on my professional experience in Maryland's courtrooms, I am prepared to reform our justice system. As your Attorney General, I will implement my vision for an equitable, compassionate, and effective criminal justice system.

In the coming weeks, my campaign will be rolling out policies intended to establish a comprehensive vision for a more equitable, safe, and fair Maryland. This includes policies on domestic violence, labor, environmental justice, antitrust, housing, immigration reform, reproductive rights, and health care.