



Accountability, Leadership, and Experience

A Plan for a Safer Baltimore

By Ivan Bates

IVAN J. BATES

Democrat for State's Attorney

FROM IVAN J. BATES

CANDIDATE FOR STATE'S ATTORNEY FOR BALTIMORE CITY

Baltimore, we are grappling with a violence epidemic. More than 2,300 lives have perished to senseless gun violence in the last seven years, and violence remains unabated. From Little Italy to Garrison to Belair-Edison to Carrollton, we all want the same thing: to be safe, and to keep our families safe. This crisis impacts us all, and we must act with urgency to protect our children and communities.



To build a safer Baltimore, we must have a functional and efficient prosecutor's office led by a State's Attorney who prioritizes public safety. We need a leader with the acumen to manage a law office and the expertise to fight the criminal element wreaking havoc on our communities. Our State's Attorney must understand the mission of a prosecutor and be able to work collaboratively with law enforcement and the community. Only through certainty of consequences for violent offenders will we begin to build a safer Baltimore. We need a leader that puts Baltimore first. I am that leader and the change we need to build a safer Baltimore. I am asking for your support as I seek to become your next State's Attorney and I promise you, I will not be distracted. I will work relentlessly on your behalf.

From my days as a prosecutor to my time as a defense attorney, I have fought to hold people accountable for wrongdoing. I have fought against systemic issues faced by Black people in the judicial system. I have and will continue to fight against police corruption like I did against the Gun Trace Task Force¹, removing those in law enforcement who have violated their duty and positions of trust who undermine the community's confidence towards honorable law enforcement. I would be humbled to serve as your next State's Attorney and ask you to support me so I can continue to serve the City I love.

Under my administration, the State's Attorney's Office will be a key partner in the fight on crime. "*Prosecutors are uniquely positioned to lead community efforts to prevent and respond to this violence as partners, advocates, innovators, and champions for justice.*"² I will hold violent repeat offenders accountable through effective prosecution but prioritize alternatives to incarceration, such as community courts, for low level offenders who can benefit from services offered in drug treatment and mental health courts. In me, you will have a true partner and a transparent leader.

I am asking for your support in becoming your next State's Attorney and am confident that my professional experience and unwavering love for this City will help bring a fresh perspective and the change we need in order to build a safer Baltimore. I have enclosed my biography and five-pillar prosecution plan for a safer Baltimore. You can also learn more about me here: www.batesforbaltimore.com. Join me in making our City safer. Vote Ivan Bates for State's Attorney.

Sincerely,

Ivan J. Bates
Candidate for State's Attorney for Baltimore City

1. See video: <https://fb.watch/bqfobDuTfy/>.

2. *Prosecutors' Guide for Reducing Violence and Building Safer Communities*, U.S. Department of Justice, Office of Justice Programs - Bureau of Justice Assistance, Edition 2021, <https://www.ojp.gov/library/publications/prosecutors-guide-reducing-violence-and-building-safer-communities>.

IVAN J. BATES: AN EXPERIENCED LEADER

Ivan Bates is running to become Baltimore City State's Attorney. Currently the Managing Partner of Bates & Garcia, P.C., a successful Baltimore law firm he started in 2006, Ivan has more than 25 years of legal experience, 15 years of leadership and management experience, and has served as a prosecutor and defense attorney. Ivan's track record of success in the courtroom is unmatched, and he is often called upon by local and national media to share his knowledge and legal expertise.

As a teenager, Ivan was unsure about the direction of his career. When faced with this decision, he looked to his three role models: his father, Henry B. Bates, Jr. who had a successful career in the military that took the family around the world; his mother, Cleora J. Bates who was Ivan's greatest supporter as he attended school in Germany, New Mexico, and Virginia; and Justice Thurgood Marshall, a Baltimore native and famous civil rights attorney who became the first African-American Supreme Court Justice, and by whom Ivan continues to be inspired.

After graduating high school in Virginia, Ivan followed in his father's footsteps and enlisted in the United States Army. While in the military, he graduated from the French Commando School where he was trained in special operations. Ivan served his country in foreign and domestic missions while assigned to the 32nd Air Defense Artillery Command in Europe. Joining the military provided him with discipline, leadership, and teamwork skills. It also allowed him to attend college after receiving an honorable discharge with the help of the GI Bill.

Ivan completed his undergraduate studies at Howard University in Washington, D.C. There he received many prestigious awards including the Lyndon Baines Johnson Internship, the General Motors Volunteer Award, and was elected Student Association President before graduating with honors in 1992. Inspired by Justice Thurgood Marshall, he decided to pursue a career in law and attended The William & Mary Law School in Williamsburg, VA. During this time, he was a recipient of the Public Service Fellowship, a member of the Black Law Student Association, and a member of the Omega Psi Phi Fraternity, Inc. He also gained legal experience working for several organizations including the NAACP Legal Defense and Education Fund.

An exceptional student, Ivan received many job offers from across the country before obtaining a law degree in 1995. He was privileged to become a Judicial Law Clerk for the Honorable Judge David B. Mitchell, then Associate Judge for the Baltimore City Circuit Court. This opportunity allowed him to help draft an opinion that was affirmed by the United States Supreme Court and being hired as an Assistant State's Attorney for the Baltimore City State's Attorney's Office, a position in which he served from 1996 through 2002.

Ivan litigated numerous complex cases as a prosecutor, before Judges and Juries alike. He was quickly and repeatedly promoted, ultimately serving as a Homicide prosecutor, where he fought for justice on behalf of victims and their families. Ivan further honed his trial advocacy skills when he became a defense attorney, zealously advocating on behalf of his clients. From 2002 to 2006, Ivan worked for one of Maryland's premier criminal defense firms. He perfected his ability to communicate the components of the complex criminal justice system and fought for fairness on behalf of his clients. During this time, he had the opportunity to serve as co-counsel on a case argued before the Supreme Court of the United States, *Maryland vs. Blake*. Appearing before the United States Supreme Court allowed Ivan to accomplish a goal that all attorneys dream of, yet few attain.

Ivan has been consistently recognized for his professional achievements and has been named a Maryland Super Lawyer five years in a row, including for 2022. He was selected as a *2021 Power 30 Law List* honoree by The Maryland Daily Record, in recognition of his career as a prosecutor, defense attorney, and leader in the legal community; a 2020 Baltimore Business Journal *Who's Who in Law* honoree; and a 2015 Maryland Daily Record *Leadership in Law* honoree.

A proud Army veteran, experienced trial lawyer, proven leader and skilled manager, Ivan is committed to fighting for Baltimore by reducing violent crime through smart, just, and fair prosecution. He understands the importance of collaborative efforts with partner agencies and the community and is ready to hit the ground running to create a safer Baltimore for all.

TABLE OF CONTENTS

Overview	4
Five Pillars of the Prosecution Plan for a Safer Baltimore	4
I. Focusing on Prosecuting Illegal Gun Possessors, Users, & Traffickers	4
II. Protecting Victims & Witnesses	4
III. Rebuilding Strong Interagency Collaboration with Public Safety Partners	4
IV. Alternatives to Incarceration & Community Courts for Low Level Offenders	4
V. Juvenile Justice: Effective Prosecution that Prioritizes Public Safety & Rehabilitation Through Accountability	4
I. Focusing on Prosecuting Illegal Gun Possessors, Users & Traffickers	5
A. Ensuring Convictions through Vertical Prosecution	6
B. Holding Illegal Gun Possessors Accountable: Illegal Gun Possession = Jail	6
C. Deterring Gun Crime with Federal Prosecutions	6
D. Targeting Gun Traffickers, Straw Purchasers & Ghost Gun Manufacturers	6
E. Working to Improve the Gun Offender Registry	7
F. Gun Court	7
G. Working to Create/Improve the Arrest Alert System.....	7
H. Tracking Guns and Ammunition	7
I. Track Gun Case Outcomes	8
J. Implementing a CaseStat Performance Management Process	8
K. Improving Staffing of Homicide Cases to Secure Convictions	8
II. Protecting Victims & Witnesses	9
A. Generally	9
B. Victim/Witness Coordinators in District Court	9
C. Anti-Retaliation and Intimidation Specially Assigned Assistant State's Attorney(s)	9
D. Use of Protective Orders	9
E. Use of the Grand Jury process	10
III. Rebuilding Strong Interagency Collaboration with Public Safety Partners	11
A. Collaborative Efforts- Generally	11
B. Crime Strategies Bureau	11
i. Baltimore Violence Reduction Coalition	11
ii. Forensic Science Unit	12
iii. Vacant Housing Interdiction and Prosecution	12
IV. Alternatives to Incarceration & Community Courts for Low-Level Offenders	13
A. Early Resolution Community Court	13
B. Drug Treatment Court	13
C. District Court and Circuit Court Re-Entry Project (DCREP).....	14
D. Sex Trafficking Accountability with a Community Focus	15
V. Juvenile Justice: Effective Prosecution That Prioritizes Public Safety & Rehabilitation Through Accountability.....	15
A. Recruiting & Hiring Specialized Attorneys Permanently Assigned to the Division.....	17
B. Vertical Prosecution	17
C. Specialized Units	17
D. Collaborative Efforts with Government Partners and Community Stakeholders	18
Juvenile Transfers	18
Dedicated Data Analyst	18
Conclusion.....	18

OVERVIEW

Baltimore faces relentless levels of violence with the last seven years taking an extreme toll on our communities. The first two months of 2022 have already witnessed over fifty (50) homicides.³ Although there is no one-size fits all solution, what cannot be underscored enough is the critical role the State’s Attorney’s Office holds in fighting crime and building a safer Baltimore. *“Prosecutors are uniquely positioned to elicit the cooperation of criminal justice professionals and community leaders in creating and implementing a coordinated, effective, and sustainable plan for reducing the incidence of violent crime.”*⁴

While building a safer Baltimore for all requires long term collaborative efforts among all government agencies, the community, and law enforcement, the prosecutor must act with urgency to ensure convictions for violent repeat offenders. However, the prosecutor must also serve as a gatekeeper and ensure Constitutional rights are not violated in an attempt to combat violent crime. It is the prosecutor’s duty to be a guiding voice and help train police officers and bridge the gap between communities most affected by violent crime, but equally distrustful of police presence. Still, prosecutors must take immediate action to address the skyrocketing violence, and must act with urgency. Similar to doctors treating a shooting victim wheeled into Shock Trauma and discovered to also have cancer, prosecutors must work to stop the bleeding immediately, while also working to treat the cancer: root causes, such as systemic racism and ongoing inequities.

We must work together to address the very real inequities from which too many Baltimoreans suffer. We cannot turn a blind eye to systemic racism, and unconstitutional policing will not be tolerated under my administration. At the same time, we cannot ignore the ever-rising gun violence that haunts our City, just as we cannot ignore that it “disproportionately affects African-American males living in neighborhoods that are highly segregated by race, where poverty and unemployment are highly concentrated and distrust in the police is common.”⁵ My administration will absolutely prioritize removing violent repeat offenders from our communities. Simultaneously, we will support alternatives to incarceration, and encourage treatment and services for low level offenders. There will be consequences, but accountability will look differently depending on the case and offender.

Listed below, and described in greater detail throughout the following pages, are the five pillars of prosecution on which my administration will focus.⁶

Five Pillars of the Prosecution Plan for a Safer Baltimore:

- I. Focusing on Prosecuting Illegal Gun Possessors, Users, & Traffickers**
- II. Protecting Victims & Witnesses**
- III. Rebuilding Strong Interagency Collaboration with Public Safety Partners**
- IV. Alternatives to Incarceration & Community Courts for Low Level Offenders**
- V. Juvenile Justice: Effective Prosecution that Prioritizes Public Safety & Rehabilitation Through Accountability**

3. See <https://homicides.news.baltimoresun.com/?range=2022>.

4. See supra, footnote 1.

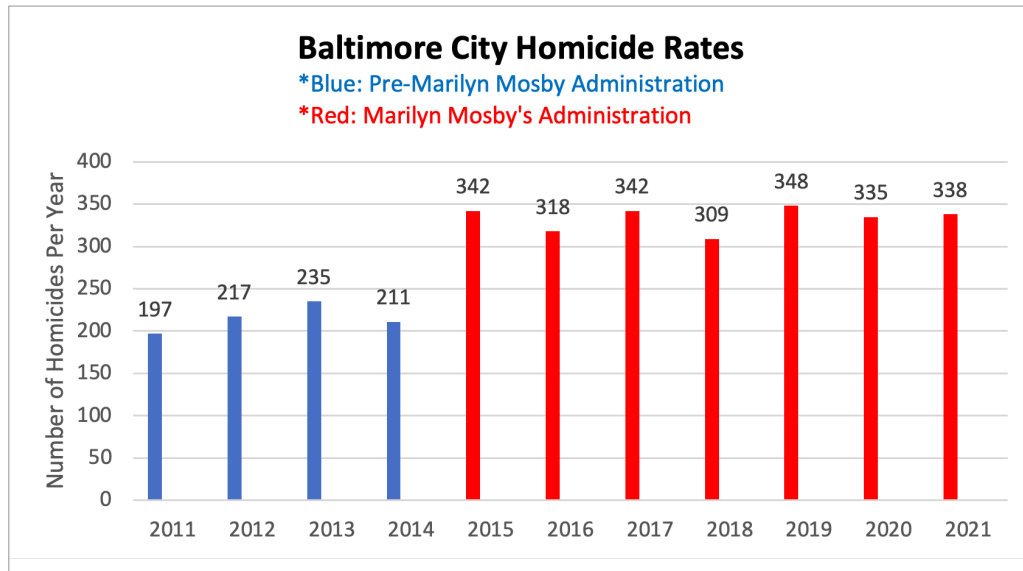
5. Reducing Violence and Building Trust, Data to Guide Enforcement of Gun Laws in Baltimore; Johns Hopkins School of Public Health, Center for Gun Policy and Research, <https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-violence-prevention-and-policy/docs/reducing-violence-and-building-trust-gun-center-report-june-4-2020.pdf>.

6. The information contained throughout this document does not comprise an total exhaustive list of my prosecutorial priorities. Rather, it is offered here as a roadmap, and is meant to serve as a bird’s eye view of my overall strategy.

I. FOCUSING ON PROSECUTING ILLEGAL GUN POSSESSORS, USERS & TRAFFICKERS

An average of 333 residents have been murdered each year in Baltimore since Marilyn Mosby took office in 2015.⁷ During the four years prior, when Gregg Bernstein was the State’s Attorney, Baltimore city averaged 215 homicides. *This constitutes a 55% increase in homicides during Marilyn Mosby’s term.*⁸

FIGURE 1



While multiple factors have contributed to skyrocketing rates of homicide, a review of available data from 2015–2019 reveals a telling picture about the dispositions of gun crimes in Baltimore under Marilyn Mosby’s administration. During this time, while gun violence dramatically increased, the State’s Attorney’s Office entered a *Nolle Prosequi* or *Stet* for approximately 3,600 illegal firearm possession charges. Put another way, the State’s Attorney’s Office failed to prosecute more than one-third of the gun cases charged, and to date, more than 2,300 lives have been lost, murdered on Marilyn Mosby’s watch.⁹

My administration will make prosecution and certainty of consequences for illegal gun possessors and violent repeat offenders a top priority. Individuals found to be carrying, transporting, and using illegal guns will be removed from society. We will build a safer Baltimore by focusing on the following:

- A. Ensuring Convictions through Vertical Prosecution
- B. Holding Illegal Gun Possessors Accountable
- C. Deterring Gun Crime with Federal Prosecutions
- D. Targeting Gun Traffickers, Straw Purchasers & Ghost Gun Manufacturers
- E. Working to Improve the Gun Offender Registry
- F. Gun Court
- G. Working to Create/Improve the Arrest Alert System
- H. Tracking Guns and Ammunition
- I. Tracking Gun Case Outcomes
- J. Implementing a CaseStat Performance Management Process
- K. Improving Staffing of Homicides Cases to Secure Convictions

7. See Baltimore City Homicides: <https://homicides.news.baltimoresun.com/?range=2010>.

8. From 2010–2014, Baltimore averaged 245 homicides per year as follows: 2007 – 282; 2008 – 234; 2009 – 240; 2010 – 224; when averaged with the years cited above, homicides under Marilyn Mosby’s administration through 2021, increased by 45%.

9. See supra and total figures displayed in Figure 1.

A. Ensuring Convictions through Vertical Prosecution

Under my administration, specialized gun prosecutors will handle cases from start to finish, also known as vertical prosecution. ***I will create a specialized unit that will work specifically on violent gun crimes and illegal gun possession.*** Prosecutors will be assigned to cases in teams, with each individual prosecutor having equivalent responsibility for the case. Each member of the prosecutorial team will be expected to develop relationships with civilian witnesses and victims; they will be familiar with the legal issues and unique circumstances; and most importantly, each member of the prosecution team will be ready for trial, avoiding the need to seek postponements due to prosecutor unavailability.

Swiftly addressing gun crimes with immediate and certain consequences is paramount to reducing gun violence. Gun carrying criminals will quickly come to understand that their cases will be handled by experienced prosecutors prepared to secure convictions at trial. They will not have to wait a long time for trial as a result of inexperienced and unprepared prosecutors. Such delays only weaken the State's case, and victims and witnesses are retraumatized in the process, having to repeat their stories multiple times, and often succumbing to witness fatigue. Further, a swift prosecution also ensures that a defendant is not languishing away waiting for his/her day in Court.

B. Holding Illegal Gun Possessors Accountable: **Illegal Gun Possession = Jail**

Baltimore is awash with illegal guns, including untraceable ghost guns. As State's Attorney, I will take personal responsibility for ensuring those who are caught carrying illegal guns are held accountable. I will work with the Baltimore Police Department ("BPD") and other law enforcement agencies to prioritize constitutional gun arrests, solid cases, and convictions at trial. *Let me be clear, there will be no leniency. **Illegal gun possession will mean jail time.*** There are simply too many shootings and murders to take a different approach. We have lost too many lives to let this continue.

C. Deterring Gun Crime with Federal Prosecutions

When appropriate, violent repeat offenders and felons in possession of guns will be prosecuted in Federal Court. Having spent more than a decade practicing in federal court, I have seen first-hand that sentences there act as strong deterrents: the consequences tend to be certain; there is no parole; and sentences are often served in other jurisdictions. Perpetrators know that if caught, their freedom is in serious jeopardy. Historically, the State's Attorney's Office has detailed two (2) City prosecutors to the United States Attorney's Office, to serve as conduits between State and Federal prosecutors. In recent years, however, under Marilyn Mosby's administration, these cross designated Special United States Attorneys positions have not been fully staffed, further weakening the relationship between agencies, and foregoing an effective tool in the fight against crime. Under my administration, the positions will be staffed, and will work with federal partners to identify and prosecute violent repeat offenders in the venue best suited to hold them accountable.

D. Targeting Gun Traffickers, Straw Purchasers & Ghost Gun Manufacturers

My administration will work to dismantle the illegal gun supply chain. According to a 2020 analysis of tracing data from the Giffords Law Center to Prevent Gun Violence, Maryland has the highest rate of out-of-state crime gun "imports" in the country with traffickers bringing "nearly three times as many firearms into Maryland as the national state average."¹⁰ "Nearly two-thirds of guns associated with crime in Baltimore come from out of state" and "[g]host guns without serial numbers are increasingly used in criminal activity committed in Baltimore City."¹¹ In sum, it is entirely too easy to secure an illegal gun in Baltimore and there are very few consequences for these actions.

10. Cassie, Ron, The high-capacity handguns fueling Baltimore's epidemic of violence increasingly enter the city through an underground network of out-of-state traffickers. Can anything be done to turn off the spigot?, Baltimore Magazine, <https://www.baltimoremagazine.com/section/community/iron-pipeline-gun-violence-out-of-state-traffickers/>.

11. Frosh, Brian E; Lee, Susan C; Lopez, Leslie J, *The Rise of Ghost Guns in Maryland*, The Washington Post, December 17, 2021, <https://www.washingtonpost.com/opinions/2021/12/17/rise-ghost-guns-maryland/>.

As State's Attorney, *I will focus our prosecutions and interagency partnerships on identifying gun traffickers, straw purchasers, their wholesale sources, and ghost guns manufacturers.* Those who are caught selling illegal guns, bringing illegal guns into the city, or illegally making and selling ghost guns, will receive a recommendation for the maximum penalty allowable under the law.

E. Working to Improve the Gun Offender Registry

The Gun Offender Registration Act (GORA) requires defendants convicted of firearm offenses to register with the BPD and report to a police station every six months for a five-year period. *I will work with the City Council and advocate to amend the GORA requirements to include intense supervision and mandatory monthly check-ins with probation officers.*

Further, I would advocate for mandated counseling and therapy for gun offenders to address trauma and work to steer community partners to create programs similar to Advance Peace ("AP"), a trauma-informed, healing-centered approach used in Richmond, California.¹² A 2019 study of AP, revealed that the "program contributed to a 55% reduction in gun homicides and assaults."¹³ As of 2021, AP was operating in Richmond, Sacramento, Stockton and Fresno, California, Ft. Worth, Texas, and was being considered by at least 12 other cities in the United States and around the world.

F. Gun Court

In order to further successful and efficient prosecution of gun crimes, I would *work with the judiciary to create a designated gun court in Baltimore City*, staffed with specialized prosecutors and judges specifically assigned to address gun possession cases. Under my administration, cases will not languish, and consequences would be swift and certain.

G. Working to Create/Improve the Arrest Alert System

Information sharing is critical in the fight against violent crime. Although the current State's Attorney's Office boasts the development of an Arrest Alert System,¹⁴ prosecutors are not forthcoming with data, and thus, the efficacy of the system is unknown. Anecdotally, based on the rapidly climbing number of violent offenses, it is not unreasonable to surmise that prosecutors may not be using the current alert system in the most effective manner. My administration would review how, and if, the alert system functions, and would work to enhance its functionality. More importantly, because of the priority my administration will place on partnerships with law enforcement and information sharing, the arrest alert system will truly become a tool in our fight against violent crime. Prosecutors will receive notification of priority arrests involving specific individuals, specific charges, or specific arrest locations. They will communicate that information to other units as needed (ie.- forensic science unit) and notify partners such as Parole and Probation for instance. "By swiftly alerting prosecutors of high- priority arrests, the system ensures that prosecutors have detailed and updated information to make the most appropriate charging decisions, bail applications, and sentencing recommendations."¹⁵

H. Tracking Guns and Ammunition

Under my administration, the State's Attorney's Office would commit to helping law enforcement track guns and ammunition used in crimes to their origin, and would work with the BPD's Crime Gun Intelligence Center to do so. Prosecutors would rely on the information to build strong cases and ensure prosecution, working collaboratively with our state, regional, and federal law enforcement partners.

12. Corburn, J., Boggan, D., Muttaqi, K. et al. A healing-centered approach to preventing urban gun violence: The Advance Peace Model. *Humanit Soc Sci Commun* 8, 142 (2021). <https://www.nature.com/articles/s41599-021-00820-y#citeas>.

13. See *supra*.

14. See <https://www.stateattorney.org/office/bureaus-units/criminal-strategies>.

15. *Creating an Alert System: Measuring Success*, <http://www.creatingarrestalert.com/>.

I. Track Gun Case Outcomes

Failed prosecutions of handgun-involving crimes often lead to additional violent crimes alleged to have been committed by the very individuals not held accountable. Under the current administration, data has not been readily available to the public, and metrics such as convictions rates intentionally exclude cases that prosecutors dismissed. When prosecutors dismiss gun charges or fail in their attempt to prosecute violent offenders, these gun cases get dropped and people who committed violent crimes can end up back on the streets. The State's Attorney dismissed over 3,600 illegal firearm possession charges which represents over 1/3 of all gun charges from 2015–2019 while gun violence increased dramatically. The State's Attorney's office must track and provide data and the rationale for dismissing these cases. We will not hide behind the stats. ***I will post the outcomes of all gun cases, including nolle pros and stets, so that communities can know what is happening with the cases in their neighborhood.*** To make this accessible, I plan to create an interactive map that details where a crime occurs and allows for people to see case outcomes and other information by incident location.

J. Implementing a CaseStat Performance Management Process

Implementing a crime analyst program within the State's Attorney's Office to review all cases involving violent repeat offenders, homicides, and guns will improve our case preparation, ensuring cases have the highest probability of being successfully prosecuted and appropriately sentenced. ***I will secure funding for more data analyst positions within the State's Attorney's Office to track cases and identify why charges are being dropped.*** This data informs how we will train attorneys and officers and improve investigative practices.

K. Improving Staffing of Homicide Cases to Secure Convictions

This State's Attorney has failed to retain quality & experienced prosecutors. To remedy the status quo, ***I will assign a team of two attorneys to all homicide cases.*** I plan to match a senior attorney with a junior attorney to build competence and training. This increases the overall experience level of the staff through mentorship and collaboration. Further, each will be assigned a law clerk through partnerships with local law schools. This structure is required to better prepare young attorneys while providing senior attorneys with proper support to get convictions.

II. PROTECTING VICTIMS & WITNESSES

“The ability of a witness to give testimony in a judicial setting or to cooperate with law enforcement investigations without fear of intimidation or reprisal is essential to maintaining the rule of law.”¹⁶

A. Generally

It is essential that victims and witnesses have trust in the criminal justice system in order to ensure effective prosecutions and reduce violent crime. Witnesses must have confidence that coming forward and assisting law enforcement and prosecutors will not result in harm to them or their families. Prosecutors must work to assure victims and witnesses that they will be supported through the investigation and trial process and protected against all forms of intimidation and retaliation.

As State’s Attorney, I will work to increase awareness and rely on renewed partnerships to fund additional support to the victim and witness programs currently in existence. My administration will take a team approach to keeping victims and witnesses safe. We will increase information sharing and collaboration with law enforcement and properly allocate and manage grant funds in order to increase staffing to victim and witness programs, including the creation of specially designated anti-retaliation and intimidation prosecutor positions, as well as victim/witness coordinator positions in each district court location. In addition, under my leadership, prosecutors will begin implementing tools already available to them, including reliance on protective orders and the grand jury system, as discussed throughout the next sections.

B. Victim/Witness Coordinators in District Court

Victim/witness coordinators will serve as the main source of contact, provide updates on cases, and work with the prosecutors assigned to handle the case, as well as specially assigned anti-retaliation and intimidation prosecutors. Providing additional resources to support witnesses and victims will ensure effective prosecutions and further our efforts to reduce and prevent crime.

C. Anti-Retaliation and Intimidation Specially Assigned Assistant State’s Attorney(s)

My administration will not tolerate direct or indirect threats or acts of violence against witnesses and victims. Additional resources and staffing will be provided to the victim witness units currently housed in Circuit Court and the Juvenile Division. In addition, I will create at least one (1) prosecutor position specifically designated to work with law enforcement to investigate allegations of intimidation and retaliation, indict, and successfully prosecute all wrongdoers.

To encourage witnesses and victims to report concerns of retaliation and intimidation, and ensure that they know their safety is paramount to my administration, they will be connected with the specially designated prosecutor from the inception of the case, at the same time as they are connected with the victim and witness coordinators. The specially designated prosecutor will also work closely with victim/witness coordinators to ensure proper reporting of retaliation and intimidation.

D. Use of Protective Orders

Under my administration, in serious cases such as homicides or attempted murders, prosecutors will file protective orders to safeguard the identity and statements of victims before trial. I will work with legislative partners to strengthen legislation aimed at the protection of all victims and witnesses similar to federal protection standards offered under the Jencks Act,¹⁷ which governs the timing of disclosure of witness statements in federal criminal trials. By implementing similar procedures when appropriate, prosecutors under my administration will work to keep victims and witnesses safe. ***Put simply, I will protect those who come forward and their safety will be a top priority for my administration.***

16. Good Practices for the Protection of Witnesses in Criminal Proceedings Involving Organized Crime, United Nations Office on Drugs and Crime, https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/Good_Practices_for_the_Protection_of_Witnesses_in_Criminal_Proceedings_Involving_Organized_Crime.pdf.

17. Pub. L. No. 85-269, 71 Stat. 595 (1957) (codified as amended at 18 U.S.C. § 3500 (2006)), <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1112&context=faculty>.

E. Use of the Grand Jury process

Under my administration, prosecutors will utilize the Grand Jury process to seek investigative information from co-defendants, upon granting them limited immunity, with an eye toward building stronger cases that lead to pleas or convictions at trial. Stronger cases and certainty of consequences serve to protect the community overall, but also keeps respective witnesses and victims safe.

III. REBUILDING STRONG INTERAGENCY COLLABORATION WITH PUBLIC SAFETY PARTNERS

A. Collaborative Efforts- Generally

Prosecutors' offices are central to the criminal justice system, as they regularly interact with a variety of allied professionals, community service agencies and organizations, and members of the public.¹⁸ Because the State's Attorney's Office has the capacity to serve in a central, interconnected role, prosecutors must work in harmony with stakeholders, but this is not what we have seen from the current State's Attorney.¹⁹

Under my administration, the State's Attorney's Office will prioritize rebuilding partnerships and interagency collaborations. We will maintain cooperative and productive working relationships with local, state, federal, and community partners, and leverage data and information sharing in our collective fight against crime. Some of the focus areas are discussed immediately below, and include establishing the Crime Strategies Bureau, which will spearhead partnerships and house the Baltimore Violence Reduction Coalition, the Forensic Science Unit, and Vacant Housing Interdiction.

B. Crime Strategies Bureau

Although the current State's Attorney's Office has a Criminal Strategies Unit that as described, sounds similar in nature,²⁰ it is unclear whether the Unit functions as intended, nor is its rate of effectiveness known. I will conduct a review of CSU to determine whether it is appropriately structured, staffed, and funded. The Crime Strategies Bureau ("CSB"), as it will be known under my administration, will oversee our efforts to rebuild partnerships and foster interagency collaboration with local state, and federal law enforcement, governmental agencies, and key community stakeholders. CSB will also house and manage the Baltimore Violence Reduction Coalition. It will also lead to innovative information-sharing techniques for prompt gathering and sharing of actionable intelligence to the appropriate stakeholders.

i. Baltimore Violence Reduction Coalition

Collaborative working relationships are crucial in order to reduce homicides. As the number of homicides in Baltimore continue to climb, prosecutors have a duty to explore all available means to reduce and prevent senseless violence. To that end, under my administration, the State's Attorney's Office will renew conversations with local governmental agencies, law enforcement, academics at institutions of higher learning, and community stakeholders, with the goal of establishing the Baltimore Violence Reduction Coalition ("BVRC").

Similar to programs in cities like Oakland and Milwaukee, BVRC would strive to "reduce homicides and non-fatal shootings through a multi-level, multi-disciplinary and multi-agency homicide review process."²¹ BVRC will be composed of law enforcement professionals, criminal justice professionals, individuals from government organizations, such as the Mayor's Office of Neighborhood Safety and Engagement (MONSE), the Health Department, City Schools, and community service providers. They would meet regularly to exchange information regarding the City's homicides and other violent crimes with the goal of identifying methods of prevention from both public health and criminal justice perspectives. BVRC would make recommendations based on trends identified through the case review process. These recommendations range from micro-level strategies and tactics to macro-level policy change and are used to inform strategies to reduce and prevent violence.

18. See *supra* footnote 1.

19. Why Baltimore Leaders Are Fighting Over a Milwaukee-Inspired Homicide Commission, Bloomberg City Lab, August 7, 2015, <https://www.bloomberg.com/news/articles/2015-08-07/amid-a-spike-in-murders-baltimore-state-s-attorney-marilyn-mosby-is-accused-of-killing-the-city-s-homicide-commission>.

20. See *supra* footnote 12.

21. Milwaukee Homicide Review Commission, <https://www.mcw.edu/departments/epidemiology/research/milwaukee-homicide-review-commission>.

ii. Forensic Science Unit

Upon assuming the role of State's Attorney, I will embark on an office-wide fiscal assessment, with the goal of identifying how funds have been used. I will reallocate resources as needed, and leverage grant funds to create and staff specialty units as the Forensic Science Unit ("FSU").

FSU will serve in an advisory capacity to all divisions throughout the office, and will be responsible for training and assisting prosecutors to ensure they understand and properly utilize forensic evidence and data. This Unit will be staffed with at least one (1) forensic analyst who, along with additional unit members, will track cases involving scientific evidence, ensure reports have been received and disclosed to defense counsel, and assist prosecutors with grand jury presentations, motions, trial strategy, and case presentation, in all cases involving scientific evidence, such as DNA, latent prints (fingerprints), and ballistics.

iii. Vacant Housing Interdiction and Prosecution

Vacant homes are breeding grounds for much of the negative activity within our Baltimore neighborhoods. Quickly addressing these vacant and unsafe buildings will drive down crime rates, as often, these buildings are used to store, manufacture and distribute illegal drugs. Such buildings can be havens for human traffickers, illegal dumping, as well as being used as stash houses to hide illegal guns.

The State's Attorney's office will work collaboratively with the Mayor's Office and Baltimore City Department of Housing and Community Development ("DHCD") to determine whether there is a legal remedy to hold absentee property owners accountable for abandoning these vacant and unsafe structures. Specifically, Baltimore's receivership program could be a successful weapon against vacant buildings, as long as the city continues its commitment to using it on a large scale and seeks financing to help purchasers with construction costs. The city and state are necessary partners in this process, but this simply means that the court can appoint a 'receiver' to rehabilitate the vacant property, demolish it, or sell it to a qualified buyer.

Moreover, under the current administration, the State's Attorney's Office in Baltimore City has discontinued the historical deputizing of Assistant State's Attorneys in the housing legal section that has successfully worked to prosecute the drug-riddled properties under the nuisance abatement law, illegal lockouts, and receivership cases. This partnership must be reimagined to leverage the existing relationship between SAO and DHCD to expand the civil prosecution of these properties. A partnership of these two agencies also serves to compile and analyze data about how certain properties are hot spots for gun violence, and each agency can take a prosecutorial or code enforcement angle in remedying the problem.

IV. ALTERNATIVES TO INCARCERATION & COMMUNITY COURTS FOR LOW-LEVEL OFFENDERS

Community courts are court programs that leverage the power of the community and the justice system to connect persons committing less serious crimes—often misdemeanor cases—to judicially supervised alternative sanctions, such as drug treatment, mental health services, and job opportunities. Many of these specialized courts are currently already in existence, however due to the policies of the current State’s Attorney, participation has plummeted, causing a disconnect between those in need, and the assistance and support services otherwise available.

Under my leadership, the State’s Attorney’s Office will lead community driven problem-solving courts. I would work to institute an Early Resolution Community Court (“ERCC”), and further spearhead efforts to ensure low-level offenders receive treatment for addiction, mental health counseling, and other services as appropriate. The list below is not comprehensive, but has been included to provide a glimpse into my strategy for a safer Baltimore. Just as my administration will prioritize reducing violent crime through data-driven, focused prosecution, we will also become true partners to our community. Simply put, true long-term and lasting violence reduction and prevention *must* include community focused problem-solving courts.

A. Early Resolution Community Court

ERCC would operate as the leading entity wherein low-level offenses such as loitering, trespassing, dice playing, would be handled. The purpose of ERCC will be to hold individuals accountable for their actions while making sure they do not unnecessarily carry forward a criminal history. ERCC attorneys would be tasked with assessing the case and the individual to either resolve the matter via community service in lieu of prosecution, or when appropriate, to refer the case to a diversion program or other community court programs and dockets,²² whatever initiatives that best suit their individual circumstances, such as Mental Health court, Drug Court & the District Court and Circuit Court Re-Entry Project.

Although my community court initiative will include a wide array of specialized dockets, as listed immediately above, in the next subsection, I have chosen to highlight Drug Treatment Court specifically, to provide my rationale for the urgent need to reinvigorate our efforts to ensure individuals receive the treatment so many desperately need.

B. Drug Treatment Court

There have been nearly 2000 overdose deaths over the past few years in Baltimore City; our City’s Medical Examiner’s office is overwhelmed with the sheer number of deceased victims. We cannot sit idly by as so many of our neighbors, friends, and family members lose their battle with addiction. We must act, and under my administration, prosecutors will steer simple possession of illegal drugs toward Drug Treatment Court. While we recognize that the road to recovery is long, prosecutors have the ability to connect individuals in dire need of help and treatment, with services.

22. It should be noted that although Mrs. Mosby’s administration has eliminated and/or reduced the various prosecutor led initiatives previously available for low-level offenders in lieu of prosecution, under my administration, the State’s Attorney’s Office will become the leading force in reigniting problem-solving courts and dockets, and prosecutors will rely on these alternatives to incarceration as means to hold offenders accountable while simultaneously connecting them with services, and supporting them in their efforts to overcome challenging circumstances.

FIGURE 2

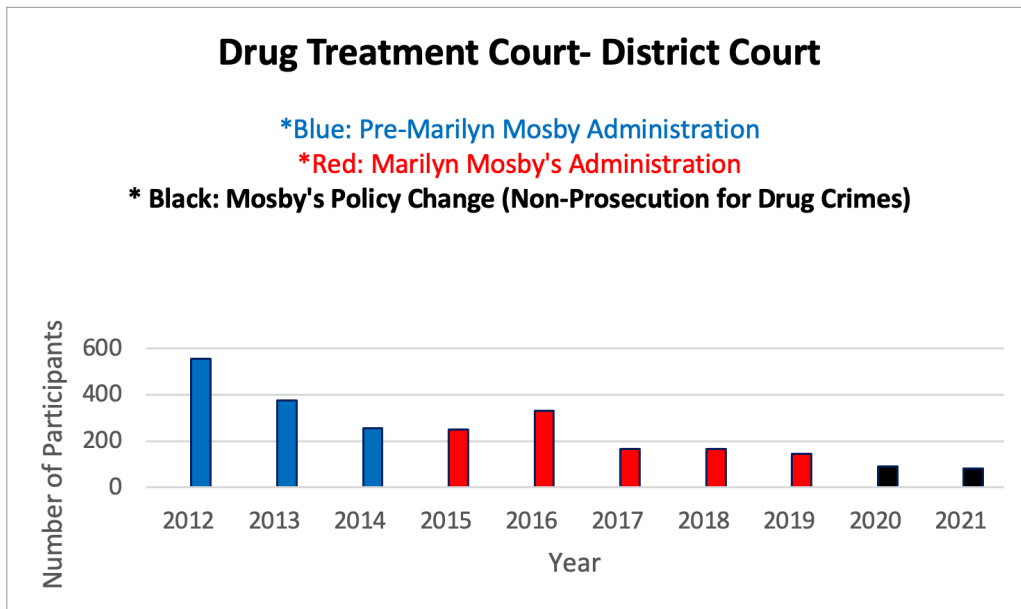
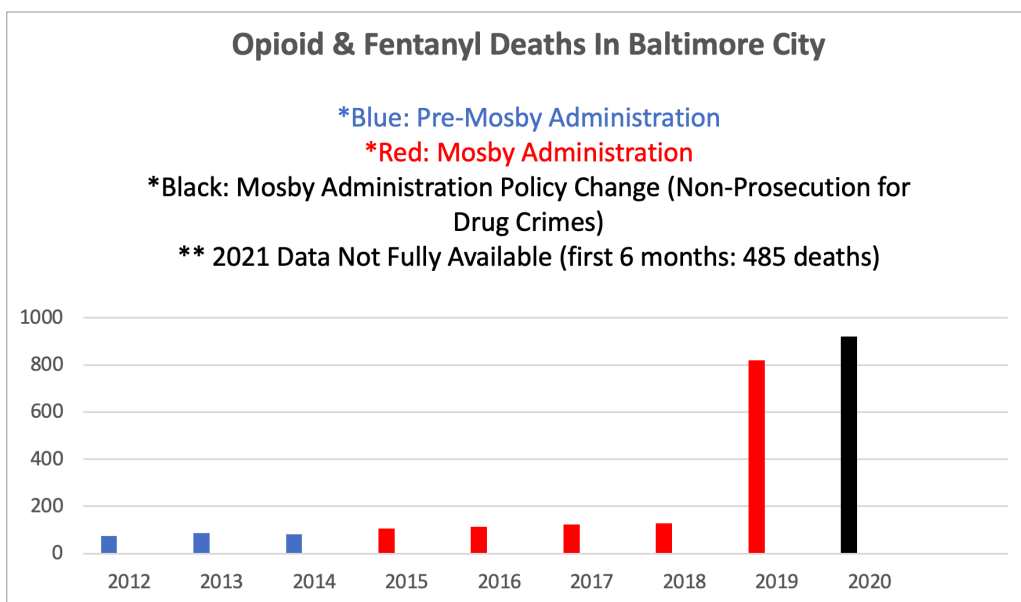


FIGURE 3



C. District Court and Circuit Court Re-Entry Project (DCREP)

The State's Attorney can do more to promote positive outcomes within the criminal justice system. The DCREP is a court-focused program utilized as an alternative to incarceration or as a condition of probation. It requires defendants to participate in full-time job training and placement programs as a condition of release or to avoid jail time. My prosecutors will use this program to proactively redirect defendants into more productive and sustainable careers.

D. Sex Trafficking Accountability with a Community Focus

Baltimore has become an epicenter of sexual exploitation. It is critical to remember that sex work and sex trafficking are not the same. Due to the shift of not prosecuting any street-level sex-based encounters, the important difference between sex trafficking and sex work has become increasingly ambiguous. The primary difference between the two is the role of consent.²³

We've seen from the GTTF how those officers sexually exploited and abused vulnerable women. The level of distrust is immense, with reason. However, Baltimore, and Maryland as a whole, contain human trafficking rings that operate professionally, leading to one of the highest rates of human trafficking in the country.²⁴ If you are not asking questions, it can be almost impossible to distinguish sex trafficking from sex work. Under Marilyn Mosby's administration, residents are now less likely to call in or identify perceived sex workers due to the shift in prosecution. This has left victims of sex trafficking with fewer life saving interventions to get the help they need, and decreased opportunities for the State's Attorney to fully prosecute traffickers and stop this level of crime in our city.

I would ask that BPD only use officers who have extensive training in understanding trauma, including that of being trauma-informed certified. These trainings are paramount in interacting with, earning the trust of, and promoting a physically and emotionally safe environment for perceived sex workers. This will both help connect individuals to resources and advocacy services as well as offer court based support such as specialized Prostitution Diversion Court.

V. JUVENILE JUSTICE: EFFECTIVE PROSECUTION THAT PRIORITIZES PUBLIC SAFETY & REHABILITATION THROUGH ACCOUNTABILITY

To build a safer Baltimore, we must focus on the rehabilitation of juvenile offenders through accountability, while simultaneously prioritizing public safety. To do this, we must have a specialized, well-trained, functional Juvenile Division. Unfortunately, under the current State's Attorney, the Juvenile Division is used as a training ground, with new prosecutors filtering through the division, causing disruption to the system and inhibiting the progress that could be made toward rehabilitating offenders.

As inexperienced prosecutors rotate in and out of the Juvenile Division, they are met with a growing number of complex cases that require specialized expertise to handle properly, yet most of these prosecutors have never tried a felony case. Further, the newly arrived prosecutors are unfamiliar with the juvenile system and consequently, they often fail to be true partners in the pursuit to rehabilitate juvenile offenders.

Although "[d]ata related to juvenile violence is difficult to obtain, and there is a lack of transparency regarding case outcomes and sentencing,"²⁵ the publicly available information indicates that since 2012, "the number of youth arrested and charged with crimes of violence increased both in number and as a percentage of the total number of juvenile arrests," even while the overall number of juveniles arrested and charged with crimes has decreased significantly.²⁶

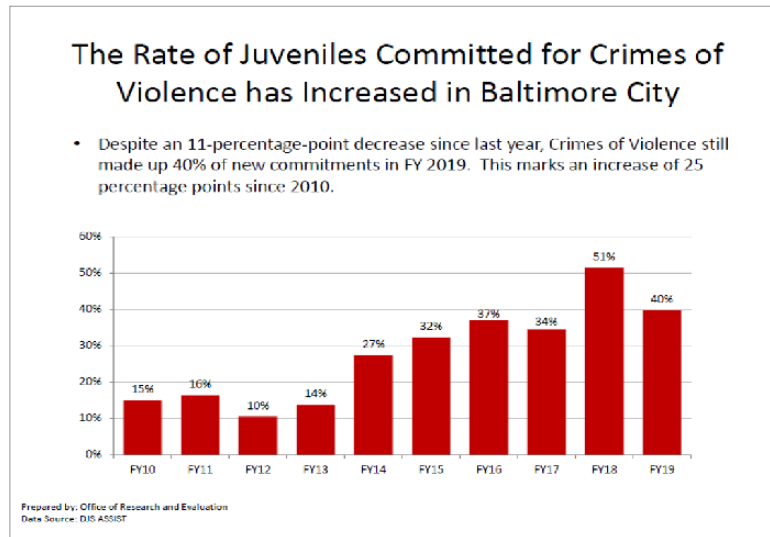
23. *Fact Sheet: Human Trafficking*, U.S. Department of Health & Human Services, Administration for Children & Families: <https://www.acf.hhs.gov/otip/fact-sheet/resource/fshumantrafficking#>.

24. Donovan, Doug, *Sex traffickers target young females in Baltimore found in these 'hot-spot' locales*, Baltimore Sun, March 15, 2019, <https://www.baltimoresun.com/news/investigations/bs-md-sun-investigates-trafficking-20190313-story.html>.

25. *See supra* footnote 6.

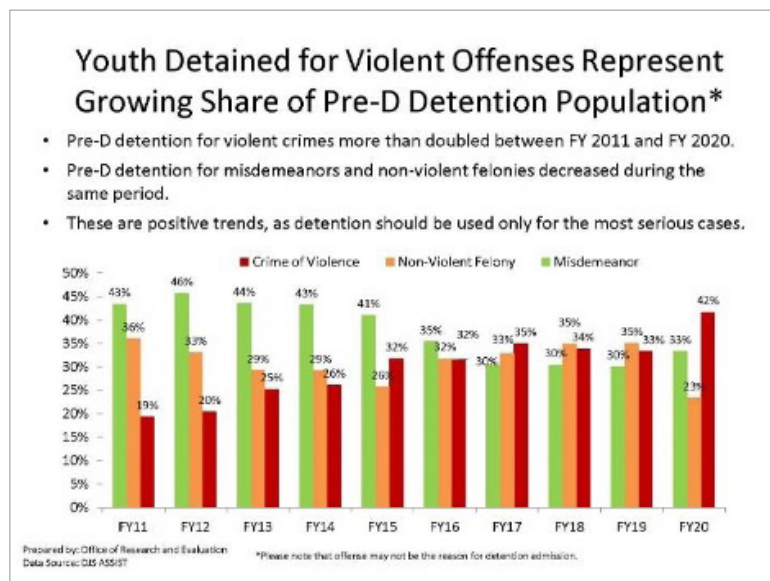
26. *See supra* footnote 6.

FIGURE 4



The data further shows that juvenile predisposition detention for violent crimes more than doubled between 2011 and 2020, as illustrated in the graph immediately below.

FIGURE 5



Evaluating the data quickly leads to the conclusion that the system is not working as designed. Simply put, the current State's Attorney's practices fail both the public and the juvenile offenders and strategic change is needed to ensure public safety.

My administration will prioritize the Juvenile Division and I will work to enhance prosecutors' ability to combat and prevent juvenile crime. Under my administration, juvenile prosecutors will rely on data driven strategies and work collaboratively with DJS, the courts, government agencies, and law enforcement. Prosecution in the juvenile system must mean accountability to the community. We will work to identify prevention and intervention strategies with key focus areas as follows:

A. Recruiting & Hiring Specialized Attorneys Permanently Assigned to the Division

Currently, the juvenile division is used as a training ground for young attorneys. I will hire, train, and retain attorneys who want to make a career of working with youth. Consequently, these attorneys will develop a better knowledge of all the diversionary measures and programs available. The goal would include allowing them to better understand the unique complexities of working with youth from often very troubling circumstances. I would direct them to work with city schools and to build constructive relationships with the youth-based unit within the Office of the Public Defender.

B. Vertical Prosecution

A system of vertical prosecution, which is when one (1) prosecutor handles a case from start to finish, or handles all matters involving a juvenile Respondent. This provides continuity to cases and ensures effective and balanced prosecution. When a prosecutor handles a case from start to finish, he/she/they (“they”) are more knowledgeable and effective because they know what has already transpired in the case. If they previously handled other matters involving the Respondent, prosecutors would also be familiar with information relevant in determining amenability to treatment and rehabilitation, including family history, academic concerns such as learning disabilities, health issues, and other extenuating circumstances. Relying on this information, prosecutors are then equipped to argue for dispositions that provide the right balance of rehabilitation, accountability, public safety, and victim restoration. Vertical prosecution provides the best possible environment to give cases the attention they deserve and to hold juveniles accountable for their conduct.²⁷

The advantages of vertical prosecution include:²⁸

- Maintaining relationships with police and witnesses throughout the case.
- Giving victims and witnesses one constant presence and source of information.
- Thoroughly understanding the facts and issues in the case.
- Being alert to changes in testimony or other evidence.
- Having a stake in the case because the outcome of the case will be the sole responsibility of the assigned prosecutor.
- Ensuring consistency in approach to the case.

C. Specialized Units

Specialized units of juvenile prosecutors that handle complex crimes and investigations would further enhance accountability of the offender and safety of the public. Prosecutors in these units would receive extensive training in their area of specialization, leading to more effective outcomes. Specialty units would include:

- Sexual violence
- Crimes of violence involving firearms
- Violent repeat offenders
- Transfer hearings
- Mental health
- Drug treatment

27. U.S. Department of Justice, Office of Justice Programs, *Office of Juvenile Justice and Delinquency Prevention*: <https://www.ojp.gov/pdffiles1/ojjdp/184745.pdf>.

28. *Lessons Learned from the Field*, National Criminal Justice Training Center, June 2018, <https://crimegunintelcenters.org/wp-content/uploads/2018/09/Investigating-Violent-Crime-The-Prosecutors-Role-Lessons-Learned-from-the-Field-NRTAC-June-2018.pdf>.

D. Collaborative Efforts with Government Partners and Community Stakeholders

Our goal is the rehabilitation of youth while ensuring public safety. To accomplish this, we must work collectively in partnership with other City agencies and community stakeholders. My office would strive to create a working taskforce with partner agencies, including representatives from City Schools, the Baltimore City Health Department's Office of Youth Violence Prevention, the Mayor's Office on Criminal Justice, law enforcement agencies, Public Defenders, and the Department of Juvenile Services ("DJS"). This taskforce would meet regularly to review case statistics, patterns, and other data to determine if the system is meeting the needs of juvenile offenders while also ensuring the safety of the public. This information would guide policy decisions with the goal of developing a comprehensive plan of prevention.

Juvenile Transfers

Implementing monthly case reviews between prosecutors and defense attorneys to determine which juveniles are eligible for a joint recommendation to return to the Juvenile System and programs the youth would receive. Such recommendations from the prosecutors would take into consideration input of the victims and their families.

Dedicated Data Analyst

Unlike other major metropolitan cities, Baltimore has not thoroughly studied juvenile violence trends. Marilyn Mosby's administration has neither collected or published case outcomes in the juvenile system. Marilyn Mosby's administration does not collect or publish outcomes for cases handled in the juvenile system. This disregard for data transparency has furthered the "dearth of publicly available data related to juvenile violence/violent crime,"²⁹ severely restricting dialogue about long-term solutions.

CONCLUSION

I am running for State's Attorney because I believe in Baltimore and am confident my experience will bring the change in leadership necessary to build a safer City through ethical, transparent, effective prosecution. *Accountability, Leadership, and Experience: A Plan for a Safer Baltimore* by Ivan Bates strives to provide a general overview, but it is my hope that through this roadmap, you will have glimpsed my vision for the State's Attorney's Office under my administration. Prosecutors will work to reduce and prevent crime through data-driven vertical prosecution and collaborative partnerships with law enforcement. Simultaneously, they will become problem solvers and true community partners by utilizing community court initiatives and alternatives to prosecution while still holding everyone accountable. In me, you will have a leader who will always put Baltimore first.

29. See The Abell Report, as listed in footnote 6.