

January 20, 2026

VIA EMAIL ONLY

Ivan J. Bates, Esquire
State's Attorney for Baltimore City
120 E. Baltimore Street
Baltimore, Maryland 21202

Re: Mayor's Office of Neighborhood and Safety Engagement (MONSE)

Dear Mr. Bates:

At your request, I have reviewed this matter to provide an expert opinion on the following question: If the State's Attorney's Office for Baltimore City's partnership with the Mayor's Office of Neighborhood Safety and Engagement ("MONSE") is such that exculpatory and impeachment information in the possession of MONSE may be imputed to the State's Attorney's Office ("SAO") for purposes of the State's disclosure obligations under Rule 3.8(d) of the Rules of Professional Conduct¹ and related authorities, can the SAO continue to partner with MONSE?

In my opinion, because there is a possibility that a court may impute exculpatory and impeachment information in the possession of MONSE to the State for purposes of the State's disclosure obligations—a premise which this opinion assumes to be true—and the SAO knows that MONSE is in possession of exculpatory and impeachment information, the SAO has an obligation to gather the exculpatory and impeachment information and to timely disclose same to the defense. If the SAO is not confident that it is disclosing all exculpatory and impeachment information in MONSE's possession that may be imputed to the State, it should, in the interest of protecting the integrity of its prosecutions and defendants' constitutional rights, end its formal partnership with MONSE.

SUMMARY OF FACTS

MONSE was established on December 23, 2020 and is the successor to the Mayor's Office of Criminal Justice. MONSE is charged with implementing Mayor Brandon M. Scott's

¹ Maryland Rule 19-308.3.

Comprehensive Violence Prevention Plan (“CVPP”).² It is not a Baltimore City agency and does not have any enabling legislation.

While the SAO is not required to participate in any MONSE program or collaborate with MONSE in any manner, the SAO has officially partnered with MONSE since its inception. At issue here is the SAO’s partnership with two of MONSE’s programs—the Group Violence Reduction Strategy and Victim Services.

Group Violence Reduction Strategy

The Group Violence Reduction Strategy (“GVRS”) is “an intensive partnership of law enforcement, community members and social service providers, who collectively engage with the small and active number of people involved in violent street groups.” *See* AGREEMENT GROUP VIOLENCE REDUCTION STRATEGY TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA (October 5, 2022). Individuals identified as being involved in a violent street group are contacted directly and given “a credible moral message against violence and prior notice about the consequences of further violence” paired with “a genuine offer of help to those who want it[.]” *Id.*³

In 2020, MONSE, in collaboration with BPD and then-State’s Attorney Marilyn J. Mosby launched the GVRS pilot in Baltimore City’s Western District. In the years since, GVRS has expanded to the Southwestern, Central, Eastern, and Southern Districts. Relevant here, GVRS involves three components.

First, individuals (persons of interest, victims, or witnesses of violent crime) who are suspected to be part of a “group”⁴ known to be the most dangerous drivers of violence in Baltimore City are identified by BPD and/or MONSE, sometimes during weekly reviews of violent crime.⁵

² A copy of the CVPP is available here: <https://mayor.baltimorecity.gov/sites/default/files/MayorScott-ComprehensiveViolencePreventionPlan-1.pdf> (last visited December 30, 2025). The Mayor issued a Biennial Update to the CVPP in 2024, available here: <https://www.baltimorecity.gov/sites/default/files/cvpp-update-0509.pdf> (last visited December 30, 2025).

³ According to authorities, the GVRS letter is intended to deliver a moral message that the community is “concerned about [the recipient’s] safety” and that the community “want[s] to support [the recipient]” and keep him or her out of jail “but the community cannot tolerate violence and there will be legal consequences if violence continues.” ANALYZING THE IMPACT OF BALTIMORE’S GROUP VIOLENCE REDUCTION STRATEGY IN THE WESTERN DISTRICT, Crime and Justice Policy Lab, University of Pennsylvania at 2, available here: https://s3.amazonaws.com/baltimorecity.gov-if-us-east-1/s3fs-public/2024-03/gvrs_baltimore_evaluation_public_summary_v12.21.2023_3.pdf (last visited December 31, 2025).

⁴ Defined as three or more associated individuals who engage in violence.

⁵ According to MONSE, “identification of individuals and social networks for GVRS purposes is based on incident involvement and empirically validated indicators that identify someone as being at an elevated risk of involvement with gun violence” including “recent involvement in a shooting or homicide (as a victim, suspect, or witness); documented patterns of retaliation or conflict escalation; temporal and social proximity

footnote cont’d on next page

Those individuals are put on a list. Over a nearly three-year period, MONSE and BPD personnel periodically sent updated lists to the SAO which the SAO would use to “flag” individuals in the SAO’s case management system as those with suspected group violence involvement. Since January 2023, the SAO flagged approximately 1,300 individuals as GVRs in its case management system. As far as the SAO knows, individuals are not notified that they have been placed on the GVRs list and it appears that there is no mechanism for them to be removed from the list.⁶

Second, GVRs-identified individuals who are not currently the subject of an investigation receive a letter signed by the Mayor (“the letter” or “the GVRs letter”).⁷ The letter is hand-delivered by a BPD officer assigned to the Group Violence Unit or the Community Partnership Unit, a community member affiliated with MONSE, or by both a BPD officer and a community member. Given the significance of the letter’s content, a copy (with the recipient’s name redacted) is attached as Appendix A. The SAO was not involved in drafting the GVRs letter and did not approve or authorize the content of the letter. It is unclear whether the BPD maintains copies of the GVRs letters delivered by its officers to individuals or whether MONSE is solely responsible for tracking the letters. In any event, the SAO does not receive a copy of any GVRs letter delivered by law enforcement from the BPD as part of the BPD’s file associated with any GVRs-related (or other) investigation or prosecution. Similarly, MONSE does not provide copies to the SAO of the letters delivered to GVRs-identified individuals. As such, the SAO does not regularly produce GVRs letters to the defense during discovery.

Finally, BPD and/or MONSE may verbally offer services to the GVRs-identified individual. The services, generally provided through MONSE-affiliated providers Roca, Inc. and Youth Advocate Programs, Inc. (YAP), include life coaching and job training. Regardless of whether the individuals accept services, they are flagged as GVRs subjects and some (if not all) are subject to focused enforcement by BPD.

Since 2020, the SAO has had regular interaction with MONSE’s GVRs team, including regular case-related meetings. At MONSE’s request, the SAO created “key performance indicators” for GVRs-related cases and added the requirement that, for GVRs-identified individuals, the terms of parole and probation include participation in certain programs. The SAO also shared data with MONSE, including arrest information for GVRs identified individuals and outcomes of GVRs-related cases.

In December 2025, the SAO formally withdrew from the GVRs partnership with MONSE and BPD.

to recent gun violence; prior firearm involvement or firearm-related victimization; and other time-limited risk factors—such as recent release from incarceration or supervision transitions[.]” Memorandum from MONSE to SAO, “Response to State’s Attorney’s request” (January 1, 2025).

⁶ According to MONSE, individuals “must be removed [from the list] no later than five (5) years from the last validation.” Memorandum from MONSE to the SAO, “Response to State’s Attorney’s request” (January 1, 2025).

⁷ The SAO understands that BPD and/or MONSE began delivering GVRs letters in or about January 2022.

Victim Services

The SAO and BPD each have well-established victim services programs. MONSE established a separate Victim Services team which provides protection, emergency relocation assistance, housing and rental assistance, funeral assistance, mental health, and employment services to victims, witnesses and family members. Relevant here are the services provided by MONSE directly, as opposed to services provided by other agencies, organizations, or community partners with whom MONSE works.

The SAO understands that MONSE began providing direct services to victims and witnesses in 2023. Since that time, the SAO attempted to work with MONSE's Victim Services to ensure the SAO received information about direct services provided by MONSE to individuals related, in any way, to any case—charged or uncharged. To that end, in July 2023, the SAO created an intake form for Victim Services to complete. The intake form included personal information about the individual but also information about any related case (name of any assigned Assistant State's Attorney or detective, information about the defendant, case number, trial date and date and location of incident). The intake form was designed to assist MONSE in determining which matters involved active investigations or cases so that appropriate disclosures about services could be made to the SAO.

In January 2024, the SAO, looking for a more efficient means to share information, set up a shared file to enable Victim Services to record information about victims and witnesses receiving services. MONSE agreed to update the file weekly in advance of a standing meeting. Notwithstanding the SAO's efforts, MONSE did not consistently provide weekly lists of individuals receiving services. The lists provided were sporadic and typically only sent after repeated requests. When provided, the lists usually contained only names and did not include any information about associated case numbers, police reports, types of crime, or financial or service-related information. The SAO repeatedly requested information. Between January 2024 and March 2025, MONSE only provided updated lists on 8 occasions.

In August 2024, Mr. Bates and representatives from BPD's victim services met with MONSE directly to emphasize the State's need for the requested information. During the meeting, Mr. Bates explained that MONSE must disclose to the SAO all services or financial benefit received by any victim or witness related to any criminal investigation or prosecution. Mr. Bates explained that the failure to provide the requested information could compromise the integrity of cases handled by the SAO.

In December 2025, the SAO determined that it could not continue to partner with MONSE Victim Services due, in part, to the concern that it was not receiving complete and timely information about services and benefits MONSE provided to the State's witnesses. The SAO outlined its request for remedial measures to be taken by MONSE to enable the SAO to re-engage in direct coordination with MONSE. Notable here is the request that MONSE disclose a list of all persons who could be victims or witnesses who have received financial benefit or services of any kind from MONSE and a detailed explanation of those services and associated costs.

On January 1, 2026, MONSE provided, for the first time, a list identifying 52 individuals who received direct financial benefits from MONSE.⁸ The information does not include the amount of any benefits, the date paid, or the means by which MONSE paid any benefit.⁹ It is unclear how MONSE identified the 52 individuals comprising the universe of individuals who received benefits “that could impact the State’s Attorney’s work.” Memorandum from MONSE to SAO, “Response to State’s Attorney’s request” (January 1, 2025).

OPINION

The SAO’s disclosure obligations arise from three sources: Rule 3.8(d) of the Maryland Attorneys’ Rules of Professional Conduct; *Brady v. Maryland* and its progeny; and Maryland Rules 4-262 and 4-263. The Supreme Court of Maryland has yet to determine whether the State’s obligations under Rule 3.8 are broader than or identical to its obligations under *Brady*. *See Att’y Griev. Comm’n v. Cassilly*, 476 Md. 309, 410-411 (2021) (“[A]lthough Bar Counsel had urged the Court to hold that the scope of [Rule 3.8(d)] exceeds that of the prosecutor’s discovery obligations under *Brady v. Maryland* and its progeny, the Court has not reached that conclusion in this case” and “the scope of Rule 3.8(d) remains for another day.”) (McDonald, J., concurring).

Rule 3.8(d) provides, in relevant part: “The prosecutor in a criminal case shall make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense[.]” *Brady* requires a prosecutor to disclose “evidence favorable to an accused ... where the evidence is material either to guilt or to punishment[.]” *Brady v. Maryland*, 373 U.S. 83, 87 (1963). “Material” evidence includes “both exculpatory evidence and impeachment evidence.” *Giglio v. United States*, 405 U.S. 150, 154 (1972). Finally, Rules 4-262 and 4-263 require the State’s Attorney to provide to the defense “[a]ll material or information, in any form, whether or not admissible,” that either “tends to exculpate the defendant or negate or mitigate the defendant’s guilt or punishment as to the offense charged” or “that tends to impeach a State’s witness.” Md. Rule 4-262(d)(1); Md. Rule 4-263(d)(5) & (d)(6). Such impeachment information includes “a relationship between the State’s Attorney and the witness, including the nature and circumstances of any agreement, understanding, or representation that may constitute an inducement for the cooperation or testimony of the witness.” Md. Rule 4-263(d)(6)(B).

⁸ MONSE reports that, between July 1, 2022 and June 30, 2023, it provided services to 375 victims, CVPP Update at 6, and that it served 260 individuals in 2025. The SAO does not have data about the total number of victims served between July 1, 2023 and December 31, 2024. It is unclear if MONSE provided services directly to the individuals or whether MONSE referred the individuals to other resources. Of the individuals who received services, it is unknown how many are victims or witnesses associated with active investigations or prosecutions.

⁹ MONSE identified the following categories of financial benefits paid: funeral expenses, rental assistance, relocation assistance, burial assistance, payment for a minor to attend camp, eviction prevention, BGE assistance, emergency relocation, and mortgage assistance. Memorandum from MONSE to the SAO, “Response to State’s Attorney’s request” (January 1, 2025).

When determining whether disclosure is required, the relevant question is not “whether the records themselves are admissible at trial, but rather ... whether disclosing that material to the seeking party would reveal or lead to admissible evidence.” *Fields v. State*, 432 Md. 650, 668 (2013).

a. Exculpatory and impeachment evidence in MONSE’s possession may be imputed to the State.

The SAO’s disclosure obligations require the State to disclose not only information known to the assigned Assistant State’s Attorney, but also information that is imputed to the SAO. *Brady* applies to “information possessed by other prosecutors in the same office.” *State v. Williams*, 392 Md. 194, 211 (2006). It also applies to information possessed by “others acting on the government’s behalf in the case, including the police.” *Kyles v. Whitley*, 514 U.S. 419, 438 (1995). It does not apply to outside government agencies, such as a state correctional facility which is “not part of the State’s Attorney’s Office” regarding a case on which it does not “directly or regularly report to the State’s Attorney.” *Alarcon-Ozoria v. State*, 477 Md. 75, 99 (2021). A “prosecutor has a duty to learn of any favorable evidence known to others acting on the government’s behalf in the case, including the police.” *Kyles*, 514 U.S. at 437. This requires the prosecutor to make “a reasonable inquiry of those in a position to have relevant knowledge.” *Williams*, 392 Md. at 226.

This is reflected in Maryland Rules 4-262(c) and 4-263(c), which require the State’s Attorney to “exercise due diligence to identify all of the material and information that must be disclosed” which includes material and information “in the possession or control of the attorney, members of the attorney’s staff, or any other person who either reports regularly to the attorney’s office or has reported to the attorney’s office in regard to the particular case.”

There is no set criteria for what may constitute “reporting” to the State for disclosure purposes, and no court has determined whether information in MONSE’s possession may be imputed to the SAO given MONSE’s official partnership with the SAO. Compare, *Alarcon-Ozoria v. State*, 477 Md. 75 (2021) (State’s discovery obligations did not include a requirement to disclose jail calls in the possession of a correctional facility where the material held by the correctional facility was “equally available to both parties” and the facility “takes no part in the investigation or prosecution of someone who happens to be detained in that facility[.]”); with *Thomas v. State*, 397 Md. 557 (2007) (information in possession of FBI agent imputed to the State where agent was working closely with Maryland law enforcement and the State’s Attorney).

In short, until an appellate court determine otherwise, the SAO should assume exculpatory and impeachment information in the possession of MONSE *may* be imputed to the State as long as MONSE and the SAO maintain an official partnership. Deciding that issue is outside the scope of this opinion, and this opinion assumes that such information may be imputed to the State.

b. MONSE is in possession of information that would constitute exculpatory and impeachment material if it were in the possession of the SAO.

For purposes of this opinion, I assume MONSE is in possession of three categories of information that would constitute exculpatory and/or impeachment information if it were in the possession of the SAO. *First*, information about financial benefits provided to any State’s witness is impeachment material. It is well-settled that prosecutors can “compensate a witness for reasonable expenses such as costs of attending court, depositions pursuant to statute or court rule, and pretrial interviews, including transportation and loss of income” and that “[n]o other benefits should be provided to witnesses unless authorized by law, regulation, or well-accepted practice.” American Bar Association’s Standards for Criminal Justice (4th ed. 2017), Standard 3-3.4 (Relationship with Victims and Witnesses).¹⁰ Benefits provided by the State to a witness constitute impeachment information and must be disclosed to the defense. *See United States v. Bagley*, 473 U.S. 667 (1985) (witness’s status as paid police cooperators was impeachment evidence); *Williams v. State*, 152 Md.App. 200 (2003) (witness’s long-time status as “a paid police informant who traded information not only for money but also for preferential treatment when he committed crimes” constituted impeachment evidence). In Maryland, defense attorneys routinely impeach State’s witnesses by highlighting any financial benefits provided by the State and suggesting that those benefits may have induced them to testify in favor of the State. *See, e.g., Canales-Yanez v. State*, 472 Md. 132, 163 (2021) (“On cross-examination of Ms. Kuria, defense counsel brought out that the State’s Attorney’s Office had paid for a hotel and the security deposit and first month’s rent for an apartment for her, tending to show the possibility for bias.”).

Second, the fact that a State’s witness is identified as GVRS and the fact that a State’s witness received the GVRS letter is exculpatory and impeachment information. The letter is impeachment information because it shows a relationship between MONSE and the witness, including a potential agreement between them and/or benefit the witness may receive from complying with the letter and cooperating with MONSE. The information is exculpatory because, among other things, it could suggest that someone other than the defendant may be responsible for the crime that serves as the impetus for sending the letter.

Specifically, the letter advises the GVRS individual that the Mayor is writing to them because they “may be at a very high risk of engaging in and/or being the victim of violence” due to their “high-risk behavior and association with group violence[.]” The letter indicates that, if the recipient disregards the letter, their prosecution will be “given priority and maximum sentences will be pursued[.]” either in state or federal courts – “where the longest sentence can be imposed.”

¹⁰ The Supreme Court of Maryland and the Supreme Court of the United States both look to the ABA Standards for guidance on what is reasonable. *State v. Syed*, 463 Md. 60, 76 (2019); *Rompilla v. Beard*, 545 U.S. 374 (2005).

The letter also threatens that for those who fail to comply, “we will be looking at probation and parole violations[,] outstanding warrants[,] open cases, cold cases, drug sale and possession violations, unpaid fines and child support, weapons charges - any and all legal violations committed by members of violent groups.” It concludes with a warning that the individual should “protect” themselves, their friends and their community “by staying away from violence and violent people.”

MONSE’s belief that a witness exhibits “high-risk behavior and association with group violence” and “may be a very high risk of engaging in and/or being the victim of violence” opens a number of potential avenues for defense investigation: evidence that other individuals or groups were the ones responsible for the crime; evidence to support a self-defense claim; or mitigation evidence to use at sentencing. The threatening nature of the GVRS letter could itself be viewed as an inducement for a victim or witness to assist with the criminal prosecution out of fear of retribution from the SAO and other law enforcement agencies if the individual declines services.

Third, to the extent that they occur, any statements made by defendants and witnesses to MONSE about the related criminal conduct may constitute exculpatory and/or impeachment information or otherwise trigger the SAO’s mandatory disclosure obligations. As is relevant here, Maryland discovery rules require disclosure of (a) “[a]ll written and all oral statements of the defendant and of any co-defendant that relate to the offense charged and all material and information, including documents and recordings, that relate to the acquisition of such statements[,]” Md. Rules 4-262(d)(1)(A) and 4-263(d)(1); (b) “all written statements of the witness that relate to the offense charged” made by any witness called by the State, Md. Rules 4-262(d)(1)(B) and 4-263(d)(3); and (c) any “oral statement of the witness, not otherwise memorialized, that is materially inconsistent with another statement made by the witness or with a statement made by another witness[.]” Md. Rule 4-263(d)(6).¹¹

c. The Maryland Attorneys’ Rules of Professional Conduct support the SAO’s decision to end its official partnership with MONSE.

Justice George Sutherland’s oft-cited quote from *Berger v. United States* is worth repeating here:

[The prosecutor] is the representative not of an ordinary party to a controversy, but a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar

¹¹ There are additional discovery rules that may sometimes implicate information that MONSE staff receives from defendants, victims, and witnesses. *See, e.g.*, Md. Rule 4-263(d)(1)(E) (“a medical or psychiatric condition or addiction of the witness that may impair the witness’s ability to testify truthfully or accurately....”).

and very definite sense the servant of the law, the twofold aim of which is that guilty shall not escape or innocence suffer. He may prosecute with earnestness and vigor—indeed he should do so. But while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.

295 U.S. 78, 88 (1935). *See also* Md. Rule 19-303.8, comment [1] (“A prosecutor has the responsibility of a minister of justice and not simply that of an advocate.”)

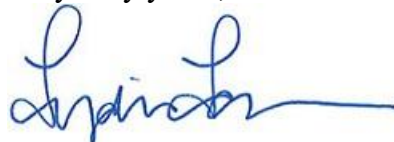
Simply put, because the SAO knows that MONSE may be in possession of exculpatory and impeachment information that may be imputed to the State, the SAO has an obligation to gather the exculpatory and impeachment information and to timely disclose same to the defense. If the SAO is not confident that it is complying with its disclosure obligations, it should, in the interest of protecting the integrity of its prosecutions and defendants’ Constitutional rights, end its formal partnership with MONSE.¹²

The SAO should continue its efforts to obtain all exculpatory or impeachment information in MONSE’s possession during the SAO’s official partnership with MONSE and review its files to determine whether additional disclosures need to be made in any case. The SAO should advise the Office of the Public Defender and the defense bar of this matter and work collaboratively to address any case affected.

* * *

This opinion and associated recommendations are not intended, in any way, to disparage or undermine the good work that MONSE is doing. The burden the SAO carries is heavy and belongs to the State—not MONSE—and it is the State’s obligation to take appropriate remedial action.

Very truly yours,



Lydia E. Lawless

¹² I reached this opinion based on a review of two of MONSE’s programs —GVRS and Victim Services. Other MONSE programs may provide additional grounds for the SAO to end its partnership with MONSE.



BRANDON M. SCOTT
MAYOR

*100 Holliday Street, Room 250
Baltimore, Maryland 21202*

January 13, 2023

Dear [REDACTED]:

I am writing you because you are a citizen of Baltimore who, because of your high-risk behavior and association with group violence, may be at very high risk of engaging in and/or being the victim of violence. As Mayor of Baltimore and as your neighbor, I am committed to doing everything we can to keep you alive and safe. I believe that *all* of Baltimore's citizens should be safe in their communities, and that nobody should have to live in fear of being hurt, killed, or losing loved ones. This is the City's highest priority. We have tried to stop the violence solely with law enforcement, but this has meant arresting and imprisoning far too many young men and women. This has also hurt our families and communities and failed to make Baltimore a safer place.

As part of the effort to keep Baltimore's communities safe, the City has launched the Group Violence Reduction Strategy. It is a partnership of the City, Baltimore Police Department, Office of the State's Attorney for Baltimore City, the United States Attorney's Office, federal and state law enforcement agencies including the DEA, ATF, FBI, U.S. Marshals, Maryland DPSCS, DJS and others, other government services, service providers and community members working closely together to stop the violence.

It is only fair to tell you that the legal risks for violence have changed. The violence has gotten so out of hand that law enforcement is doing something new and different. We are now focusing on **groups**, social networks of individuals who are willing to shoot people for each other, when there is violence. The groups drive the violence, and violent groups will be our top priority. This means that if a group commits an act of violence, law enforcement will bring charges for any and all crimes anyone in the group may be committing. **It is very important that you understand this so that you can protect yourself.**

As part of the Group Violence Reduction Strategy, the U.S. Attorney's Office is working with the State's Attorney's Office every day. Federal and state prosecutors are giving priority to all violent offenders and their known associates. All cases brought against such persons will be prosecuted in the court, federal or state, where the longest sentence can be imposed. Convicted felons who possess firearms or ammunition may be prosecuted in federal court. Drug sellers, also, may be prosecuted in federal court. These prosecutions will be given priority and maximum sentences will be pursued. Where the facts support it, we will be looking at probation and parole violations, outstanding warrants, open cases, cold cases, drug sale and possession violations, unpaid fines and child support, weapons charges – any and all legal violations committed by members of violent groups.

I think it is only fair that we tell you this. We do not want to have to do it, but you deserve to know the consequences should you proceed down the path that leads to violence. You can protect yourself, your friends, and your community by staying away from violence and violent people. **While this communication should in no way be considered by you as any benefit for your current and immediate charges, it is only fair to advise you that further violent behavior or any future association with violent people exposes you to further legal sanctions.**

You will be doing important work for your friends, family and community if you help me spread the word – tell anybody you think needs to hear it that we would like to help them and that our way of enforcing the law has changed when it comes to violence. You can help keep yourself and your friends alive, safe, and free which is ultimately what we all want.

Sincerely,



Brandon M. Scott
Mayor
Baltimore City