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**Office of the Public Defender Concerned by Baltimore State's Attorney's Disregard for Disclosure Obligations and Failure to Develop Clear Policies and Protocols**

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In response [to our office's release of body camera video that shows a Baltimore police officer planting drugs that resulted in a criminal arrest](#), the State's Attorney for the City of Baltimore Marilyn Mosby held a press conference today. While detailing the steps taken in the specific case involving the relevant footage, the State's Attorney continued to sidestep gaps in her office's constitutional obligations to disclose misconduct and the lack of a clear policy and protocol for addressing impacted cases in court.

In every criminal case, the prosecution is required to provide the defense with any and all exculpatory evidence, even if it relates to a witness the State does not intend to call at trial. It also has a duty to disclose all information that relates to the credibility of its witnesses, including police officers, no matter where that evidence comes from.

“The State's Attorney has a well-established constitutional obligation to disclose information that challenges the credibility of its officers. The Constitution does not build in any exception for delay,” said Debbie Katz Levi, head of the Baltimore Public Defender's Special Litigation Section. “Once the State's Attorney's Office was aware of the video, the prosecution needed to swiftly disclose it in all other open cases, which Mosby acknowledges are about 100. At a minimum, they should have immediately informed defense counsel, considered releasing defendants, and requested a postponement in every case involving these officers.”

Whether internal affairs files or evidence for use at a criminal trial, the State's Attorney's Office does not regularly meet its affirmative duty to disclose. “Given the issues of misconduct within the BPD that have been coming to light – most notably, a consent decree with the U.S. Department of Justice based on an investigation documenting years of rampant misconduct and abuse, and the federal indictment of seven BPD officers – there should be a steady stream of relevant information disclosed by the assistant state's attorneys,” said Levi. “That the information was not immediately disseminated underscores the need for a clear and transparent policy for addressing police misconduct in Baltimore, as well as a timeline and plan for how the State's Attorney will proceed in other impacted cases.”

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