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The Honorable Larry Hogan, Governor
State House 100 State Circle
Annapolis, Maryland 21401

The Honorable Bill Ferguson, President
Senate of Maryland State House, H-107
Annapolis Maryland 21401

The Honorable Adrienne A. Jones, Speaker
Maryland House of Delegates State House
H-101
Annapolis, MD 21401

December 30, 2020

Re: Report required by HB 1083/Ch. 422(2), 2020 (MSAR # 12838)

Governor Hogan, President Ferguson, and Speaker Jones:

The above-referenced legislation, which was enacted earlier this year, requires the Attorney General, in consultation with the Maryland State's Attorneys' Association, to develop a plan for a formal process for oversight of prosecutions of offenses involving criminal organizations under Title 9, Subtitle 8 of the Criminal Law Article, and to report on the plan on or before December 31, 2020.

To date, there has been a preliminary discussion between the Office of the Attorney General and the Maryland State's Attorneys' Association. Due to the Covid-19 pandemic, we have not had the opportunity to implement a formal oversight process. This will, however, be a subject of further discussion at the virtual January Board meeting of the Maryland State's Attorney's Association, when it is anticipated that the Board will be asked to consider a coordinated plan for monitoring of, training, and assistance for cases prosecuted under Title 9, Subtitle 8 of the Criminal Law Article.

Sincerely,

A handwritten signature in blue ink that reads "Kathleen C. Murphy".

Kathleen C. Murphy
Director, Criminal Division

cc: Sarah Albert, Department of Legislative Services (5 copies)

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January 28, 2021

Re: Report required by HB 1083/Ch. 422(2), 2020 (MSAR # 12838)

Governor Hogan, President Ferguson, and Speaker Jones:

Introduction

In 2020, the Maryland General Assembly enacted HB 1083/SB 745, which provides “[t]hat the Attorney General, in consultation with the Maryland State’s Attorneys’ Association, shall develop a plan for a formal process for oversight of prosecutions of offenses involving criminal organizations under Title 9, Subtitle 8 of the Criminal Law Article. On or before December 31, 2020, the Attorney General shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on the plan developed under this section.”

On December 30, 2020, the Office of the Attorney General sent correspondence to the Governor and the General Assembly stating that, due to the Covid-19 pandemic, a formal oversight process had not been implemented. At the January 2021 Board Meeting of the Maryland State’s Attorneys’ Association, the process below was presented to the Maryland State’s Attorneys’ Association and approved.

Oversight of prosecutions of criminal organization

Title 9, Subtitle 8 of the Criminal Law Article provides an intricate framework for the prosecution of criminal organizations in Maryland. Enacted in 2007, and amended in 2020, the law prohibits, among other things, the participation in, organization of, and supervision of a criminal organization. The law also provides for the consolidation of multi-jurisdictional and cross-jurisdictional crimes. In a time when geographic boundaries mean little in the context of organized crime, coordination and communication regarding prosecutions of criminal organizations, combined with the analysis of outcomes over time, will enhance the effectiveness of efforts statewide.

The Office of the Attorney General will, effective January 1, 2021, maintain an annual compilation of all prosecutions brought pursuant to Title 9, Subtitle 8 of the Criminal Law Article. The database will include the defendant(s) names and identifiers, offenses charged, any co-defendants, jurisdiction, prosecuting agency/agencies and outcome of individual cases. The State's Attorneys agree to provide the above information regarding any qualifying case.

The Office of the Attorney General will continue to offer its assistance in the investigation and prosecution of these matters upon request of a State's Attorney, and will also provide training or other assistance regarding the prosecution of criminal organizations to the Maryland State's Attorneys Association as needed.

Please don't hesitate to contact us if we can provide additional information or assistance.

Sincerely,



Kathleen C. Murphy
Director, Criminal Division

cc: Sarah Albert, Department of Legislative Services (5 copies)