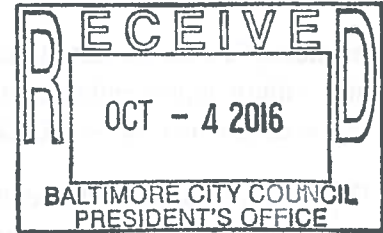




September 29, 2016

The Honorable President and Members of the Baltimore City Council  
Room 409, City Hall  
100 North Holliday Street  
Baltimore, Maryland 21202



**Re: City Council Bill 15-0254R – Implementing Law Enforcement Assisted Diversion in Baltimore**

Dear President and City Council Members:

The State's Attorney's Office (SAO) has reviewed City Council Bill 15-0254R and offers its full support of this resolution. City Council Bill 15-0254R supports the expansion of the Law Enforcement Assisted Diversion (LEAD) program nationwide and requests that law enforcement and other stakeholders appear before the City Council to discuss how the LEAD program could be implemented in Baltimore.

Drug addiction and incarceration overlap frequently in Baltimore creating an expensive, dangerous and potentially fatal cycle. The lack of support for addiction in prison is evidenced by the fact that individuals recently released from jail account for a third of all admissions to drug treatment programs in the City. According to the Justice Policy Institute, incarcerating addicted individuals costs more than \$37,000 per year compared to less than \$5,000 for a drug treatment program.

The SAO strongly believes incarceration is not the appropriate solution for these nonviolent, drug addicted individuals. We divert hundreds of non-violent misdemeanor cases each year to Drug Treatment Court, Mental Health Court, the Homeless Docket, Prostitution Diversion, the new Veterans' Docket and similar programs that provide an alternative to incarceration. Additionally, we launched a new program last year called Aim to B'more that created a diversion opportunity in Circuit Court for non-violent, first-time felony drug offenders.

The key difference between these programs and LEAD is that defendants in our existing diversion programs have been arrested and booked. They have already spent time in the criminal justice system away from their families, jobs and schools. And, because of their arrest, they have a criminal record. Their case may be eligible to be expunged at a later date but only if they successfully complete their diversion program and petition the court for the expungement.

LEAD is a voluntary pre-booking diversion program that will allow law enforcement officers to redirect low-level offenders engaged in drugs or prostitution activity to community-based behavioral health services instead of jail and prosecution. LEAD participants are linked to trauma-informed intensive case management, delivered in a harm reduction framework that addresses the underlying issues causing the individual's delinquency.

The Baltimore City State's Attorney's Office is committed to LEAD. We have been an active part of the LEAD Coordinating Group since its formation in January and an active member of the Law Enforcement Workgroup. Additionally, our Director of Policy and Legislative Affairs, Lisa Smith, travelled to Seattle

*Fav w/ comments*

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and Santa Fe with the rest of the City's LEAD leadership team to learn firsthand from other communities successfully implementing LEAD. We have requested grant funding to hire a LEAD prosecutor who will work exclusively on LEAD cases and serve on the LEAD Operational Workgroup.

The State's Attorney's Office thanks Behavioral Health System Baltimore for their leadership on this important and innovative initiative and strongly encourages the City Council to support the LEAD program.

Thank you for your consideration of our testimony.

Sincerely,

A handwritten signature in blue ink that reads "Marilyn J. Mosby".

Marilyn J. Mosby  
State's Attorney for Baltimore City