

MEMORANDUM

September 11, 2019

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: **Briefing: State's Attorney's Office Crime Prevention Initiatives**

PURPOSE: To receive information on the various prevention programs within the State's Attorney's Office.

Today the Committee will receive a briefing from the SAO. Those expected to brief the Committee:

John McCarthy, State's Attorney
Phil Andrews, SAO

The State's Attorney's Office runs or participates in a variety of programs focused on diversion. These programs focus on alternatives to prosecution, school-based programs, and community outreach. In addition, certain office policies such as the de-criminalization of marijuana assist in diverting individuals from the criminal justice system, and instead focus on providing support and educational services that help individuals avoid crime.

Alternatives to Prosecution

The State's Attorney's program participates in a variety of programs designed to prevent crime without prosecuting the individual.

- Alternative Community Service (ACS) is a program for first-time adult offenders who have been charged with misdemeanor crimes or civil citations. In exchange for successful completion of community service, an individual's case is not prosecuted.
- Intervention Program for Substance Abusers (IPSA) provides treatment, education, and monitoring for individuals charged with some misdemeanor drug and criminal drug citation cases.

- Adult Drug Court is a voluntary drug treatment program that also permits a successful participant to avoid prosecution.
- Mental health Court provides an intensive mental health treatment program for individuals charged with certain crimes.
- Mediation services are also provided by the SAO that provide an alternative way to resolve certain criminal charges or non-physical domestic disputes.

School-Based Programs

The SAO has several youth-based programs that help provide support and education for kids to help them learn positive behaviors and skills.

- The Choose Respect initiative promotes information about health relationships and provides awareness of teen dating violence.
- Teen Court is a program for first-time juvenile offenders, who are adjudicated by teen volunteer jurors. Teen court determinations could result in community service, apology essays, additional education, or other similar approaches.
- Cluster projects allows the SAO to partner with other stakeholders to provide support for students of color and assist with closing the academic achievement gap.
- The Truancy Prevention Program provides early intervention to middle school students, to identify and assist with the root causes of truancy.
- The MCPS Cyber Safety program educates students and parents about online risks and teaches appropriate safety measures.
- The Students Accessing Opportunities Summer Academy was new this year and provided a free four-day summer camp to learn about criminal justice.

Community Outreach

The SAO also provides community outreach in a variety of ways.

- The SAO provides Domestic Violence awareness, public outreach and training activities. The office also assists in training prosecutors and police in various aspects of domestic violence and related issues.
- The SAO provides community education on the opioid epidemic, Narcan use, as well as Maryland's good Samaritan Law.
- Senior Community Outreach programs address abuse, neglect, and exploitation of seniors, and provides tips to seniors on how to avoid such things as online or telephone scams.
- The SAO also participates in National Night Out, an annual event that helps foster good police-community relationships.

Discussion Issues

1. Several of your programs, like the Truancy Prevention Program, rely heavily on volunteer participation. Volunteerism in general, however, has been declining nationally. Have you had challenges recruiting volunteers for your various programs?
2. Do you have any identified areas where diversion programs could be expanded, or see other program opportunities that help prevent crime?
3. Are there particular programs where additional staff are needed?

This packet contains
State's Attorney's Presentation

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Montgomery County State's Attorney's Office

**Community-Based
Prosecution and Initiatives**

- I – Office Policies
- II – Alternatives to Prosecution
- III – School-Based Programs
- IV – Community Outreach

Office Policies

Pre-Decriminalization Marijuana Possession Policy

SAO marijuana possession policy had uniform support from all Montgomery County Police chiefs.

Policy has saved money on police overtime and county crime lab drug-testing costs.

Marijuana Distribution Policy

- Police may request special exemption from policy where extenuating circumstances present
- Exemption factors include:
 - Prior criminal history
 - Community impact created by the defendant's distribution
 - Use or possession of a handgun involved
 - Evidence and strength of State's case

Discretionary Prosecution: Pre-Trial

SAO always looks to equitable relief.

For non-violent misdemeanors, charges may be fashioned to reduce likelihood of deportation.

Determination based on evaluation of individuals' specific circumstances.

Discretionary Prosecution: Post-Conviction

After a finding of guilt, if collateral attack is made on prior conviction specific to marijuana, SAO will consent to relief.

Alternatives to Prosecution

Alternative Community Service (ACS)

- Community service for first-time adult offenders charged with misdemeanor offenses or civil citations.
 - E.g. shoplifting, trespassing
- Expungement assistance for eligible cases.

	2016	2017	2018	2019	Total
Participants	2,579	2,358	2,130	1,804	8,871
Hours completed	61,593	69,650	58,754	45,080	235,077
Fees collected	\$360,159	\$353,402	\$321,391	\$243,962	\$1,279,014
# of work crews	487	558	549	445	2,039
Bags of trash/debris removed	6,673	8,989	8,932	9,423	34,017
Completion rate	84% (2166)	82% (1934)	83% (1768)	79% (1425)	82% (7,293)

Intervention Program for Substance Abusers (IPSA)

- For offenders with moderate substance abuse problems and limited criminal histories.
- Diversion for misdemeanor drug cases and criminal drug citation cases.
- Requirements include:
 - Drug education classes
 - Community service
 - Remain clean for duration with possible drug testing

	2016	2017	2018	2019	Total
Participants	690	674	654	497	2,515
Hours completed	1,724	2,416	3,104	2,678	9,922
Fees collected	\$75,030	\$80,185	\$78,664	\$58,787	\$292,666
Completion rate	75% (517)	78% (526)	76% (497)	75% (373)	76% (1,913)

Adult Drug Court

SAO program partners: Public Defender's Office, HHS (Addiction Services; Behavioral Health and Crises Services), Dept. Of Corrections (Pre-Release Services), MCCF, Second Chance Addiction Care, Maryland Wellness & Recovery

Drug Court

- Voluntary program with intensive services and supervision for substance dependence
- 33-month duration on average
- 440 participants since 2006, 94 currently enrolled
- 31% recidivism (local arrests and convictions only)

Intervention Track

- Started May 2019
 - Seven enrolled, more awaiting screening
- Eligibility: (i) under 7 criminal convictions, or (ii) 3 DUI convictions
 - Offers more supervision than probation (case manager, therapist, weekly court visit)
- Opiate addicts with possession charges
 - IPSA not intense enough for opiate addiction
- Repeat DUI offenders
 - 4 DUI convictions shows addiction, need for treatment

Mental Health Court

SAO program partners: Public defender's Office, HHS (Forensic services), county judiciary

District Court Program

- 75 participant capacity
 - 56 current participants
 - 29 graduates since Jan. 2017
 - 2 reoffenders, both readmitted
 - 5-8 anticipated graduates on 10/18
- Full-time Dept. of Health staff member
 - Hospital coordination
 - Develops aftercare plans and housing

Circuit Court Program

- 25 participant capacity
- Average 18-month duration
 - Multiple phases for completion, each several months long
- Participants enrolled upon approval, not as a class
 - 12 current participants
 - 2 graduates since Dec. 2017
- No terminations for new offences
 - Some participants removed from court-based program to hospital-based treatment

Mediation

- Voluntary, confidential, and collaborative process with neutral arbitrator helping find a win-win solution to participant conflicts.
- Alternative means of resolving
 - Criminal charges before trial (trespass, telephone abuse, malicious destruction of property, assault, etc.)
 - Non-physical domestic disputes resulting in criminal activity
 - Incidents of neighbor disagreements or community disputes

Mediation Office, 2016-18

	2016	2017	2018	Total
Facilitated cases	95	81	51	227
Agreements reached (%)	79 (83%)	67 (83%)	46 (90%)	192 (84.5%)
Agreements in compliance (%)	71 (90%)	60 (90%)	45 (98%)	176 (91.6%)
Total paid under agreements	\$304,015	\$113,680	\$85,000	\$302,695
Amount not paid (non-compliance) (%)	\$6,420 (5.8%)	\$16,848 (12.9%)	\$7,000 (7.6%)	\$30,268 (9.1%)

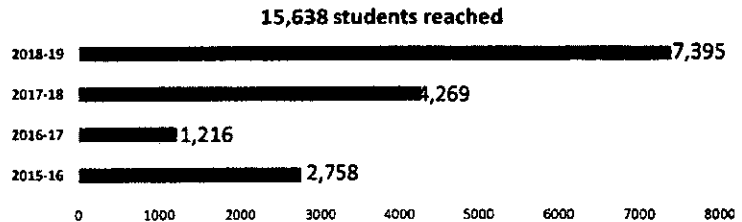
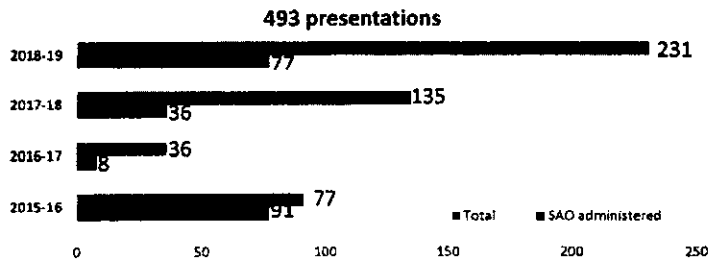
School-Based Programs

Choose Respect Initiative

SAO program partners: Domestic Violence Coordinating Council, Sheriff's Office, Chesapeake Counseling Associates LLC, Jewish Coalition Against Domestic Abuse

- "Expect Respect" Presentation
 - MCPS-approved presentation for students
 - Focus on healthy relationships, teen dating violence awareness

- Special programs for Athletes
 - Coaching Boys into Men: Equips coaches to teach athletes that violence never equal strength
 - Athletes as Leaders: Empowers female athletes to take active role in promoting health relationships and ending sexual violence.



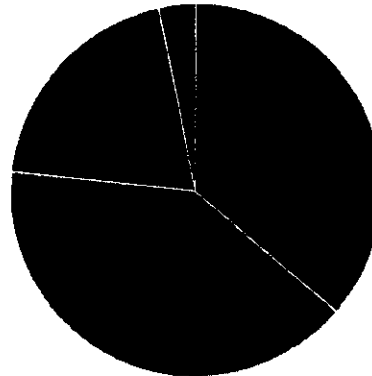
Teen Court

SAO program partners: HHS (Screening and Assessment Services for Children and Adolescents), Montgomery County Judiciary, members of the public

- For first-time juvenile offenders
 - Charge dismissed with successful completion
- 2016-18: 709 case referrals, 619 accepted (87%)
 - 497 (80%) successful
 - 122 (20%) unsuccessful:
 - 27 (22%) incomplete TC disposition
 - 12 (10%) SASCA non-compliant
 - 73 (60%) SASCA and TC non-compliant
 - 10 (8%) reoffended

45% Male (279); 55% Female (340)

- African American (36%)
- Caucasian (41%)
- Hispanic (20%)
- Asian (3%)



Cluster Projects

SAO program partners: MCPS, Collaboration Council, HHS, Recreation Dept., MCPD, Maryland Dept. of Juvenile Services

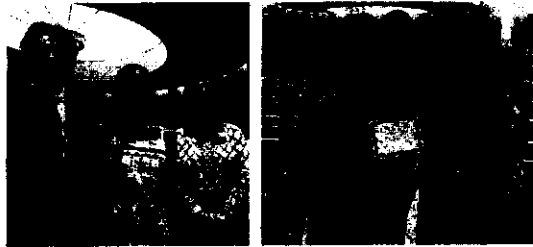
- Closing academic achievement gap for minority students through:
 - Multi-Agency Team Process
 - Out-of-school-time activities
 - Community partnerships
- Brings all agencies together to provide services faster and easier.
 - Clear, timely communication between agencies
 - Avoids run around to multiple locations

Community Members Served 2017-19			
School Year	Referrals	Household Children	Household Adults
2017-19	416	992	541
Watkins Mill Cluster			
2018-19	83	214	104
2017-18	84	221	103
Kennedy Cluster			
2018-19	130	295	171
2017-18	119	262	163

Truancy Prevention Program

SAO program partners: MCPS, Community volunteers

- Early intervention program to identify and address root causes of truancy.
- Ten weekly meetings to address students' strengths and weaknesses.
- Data-driven, targeted student selection.
 - 10 students with 10-20% unexcused absences previous semester



Graduation for student participants

MCPS Internet Safety Training

- 300 presentations since 2015
 - 10,000+ student audience
 - 1,000+ parents (PTA and MCPS Parent Academy)
- Internet safety now built into MCPS health curriculum



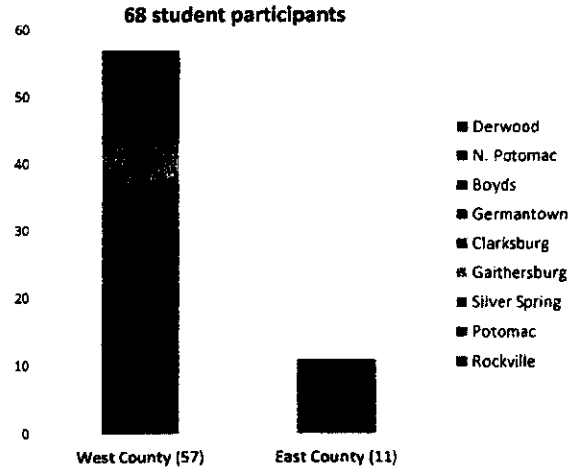
A project of the MCPS Foundation and Victim Witness

Middle and High School Presentation

Students Accessing Opportunities (SAO) Summer Academy

SAO program partners: SASCA, MCPD & Sheriff's Office, County Judiciary, Family Justice Center

- Free four-day program hosted by SAO.
 - Two sessions each for middle and high schoolers
 - Free lunch provided
- Presentations and activities.
 - E.g. Mock trial, Choose Respect, cyber safety, financial literacy, college/career readiness, K9 Units.
- Location difficult for some students.
 - Will host sessions across county for wider access



Community Outreach

Domestic Violence Awareness: Public Outreach

SAO program partners: HHS (Crisis Services), Commission for Women, MCPD, Board of Education, Dept. of Corrections (Pre-Release Services), county judiciary, MD Dept. of Public Safety

- Partner of Domestic Violence Coordinating Council.
- 2018: Designated February as Teen Dating Violence Awareness Month.
 - Tweeted messages about dating violence
- 2017: Countywide domestic violence and education campaign.
 - 28 exterior bus signs in English and Spanish
 - 15 bus shelter signs
 - Banner ads on social media pages, County digital screens, and County Rotator

Domestic Violence Awareness: Training

SAO program partners: Maryland State's Attorney's Association, National District Attorney's Association, US Department of State

Awareness Initiatives

- Education and outreach bus sign campaign
- Family Justice Center information cards in 16 languages
- 493 Choose Respect presentations

Training Prosecutors and Police

- Topics: head trauma/serious physical child abuse, elder abuse, domestic violence prevention
 - Regional: Sexual Assault Response Team
 - National: San Diego, St. Louis, Louisville, Orlando
 - International: Canada, Vietnam

Speak Up, Save a Life

- **~50,000 audience members at schools, religious centers, elder groups, civil society organizations since 2015**
- **Topics covered:**
 - Opioid basics
 - Good Samaritan law
 - Naloxone (Narcan)
 - Preventing overdose
 - Treatment services
- **2019 audiences include:**
 - Berman Hebrew Academy
 - Clarksburg, Einstein, and Blair High Schools
 - Redland Middle School
 - Congregation B'nai Tzedek
 - Fourth Presbyterian Church
 - Johns Hopkins senior groups
 - Montgomery County Bar Association
 - Washington Hebrew Congregation

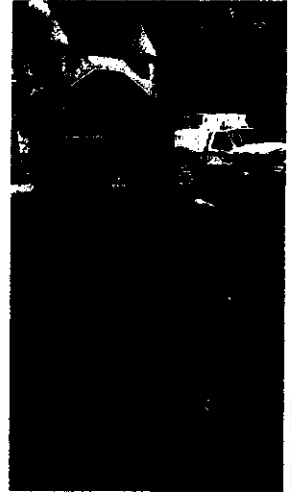
Senior Community Outreach

SAO program partners: AARP, Oasis, International Financial Crimes Association, Montgomery County Bar, Johns Hopkins, MD Board of Nursing, National Institute of Justice

- **124 presentations since 2016**
 - Radio and television appearances
 - Held in Spanish, Korean, Mandarin
- **Crimes Against Seniors and Vulnerable Adults Unit (CASVA)**
 - Red Flag trainings on neglect, financial abuse/exploitation, physical/sexual abuse
- **World Elder Abuse Awareness Day (June 15)**
 - Sharing information about personal/financial safety, avoiding cybercrimes

National Night Out

- Annual event for community and law enforcement to meet, develop relationships, and keep neighborhood crime free.
- Held at 25 locations in 2019
 - Quince Orchard
 - Montgomery Village
 - Clarksburg
 - Olney
 - Rosemary Hills
 - Williamsburg Square
 - And many more!



John McCarthy Lecture Series

Johns Hopkins, OASIS

50+ speeches annually to senior citizen groups on various criminal justice subjects.

