

**MDDCSAM - HB 271 FAV - LEAD - Senate.pdf**

Uploaded by: Adams, MD, Joseph

Position: FAV



*MDDCSAM is a chapter of the American Society of Addiction Medicine whose members are physicians and other health providers who treat people with substance use disorders.*

March 18, 2021

Chairman Will Smith  
Judicial Proceedings Committee  
2E Senate Office Building  
Annapolis, MD 21401

HB 271 Public Safety – Law Enforcement Diversion Programs  
**FAVORABLE**

Chair Smith and members of the Judicial Proceedings Committee,

My name is Malik Burnett and I am an addiction medicine physician at the University of Maryland Medical Center and completed my residency training in preventive medicine at Johns Hopkins School of Medicine, and I am writing to you today on behalf of the MD-DC American Society of Addiction Medicine (MDDCASAM) in favor of the passage of HB 271 which would facilitate the establishment of Law Enforcement Assisted Diversion (LEAD) programs statewide.

**Given the nationwide calls for racial justice, reallocating resources, and reforming use of force tactics within police departments; programs like LEAD are an excellent first step towards achieving the aforementioned goals as these programs reorient law enforcement officers away from force and towards service.** By supporting the developing of LEAD programs, law enforcement officers will receive more training and be better equipped to deal with the wide range of mental, behavioral, and substance related issues which they encounter on a daily basis.

In addition to being directly responsive to the public calls for police reform, the establishment of LEAD programs are directly correlated with improved societal outcomes. After the establishment of LEAD in Seattle in 2011, the University of Washington conducted a multi-year analysis which revealed that **participants in the LEAD program had 58% lower odds of arrest, 38% lower odds of felony prosecution, and 60% reduction in recidivism compared to a control group.**<sup>1</sup> These results applied at scale have the ripple effects of lowering overall criminal justice system costs, decreasing the collateral consequence burdens of a criminal conviction on members of the community, and improving police community relations.

Currently, nine cities and jurisdictions across the state have already taken steps to plan or initiate LEAD programs. By passing HB 271, the General Assembly can create mechanisms to support these

---

<sup>1</sup> Collins, S. E., Lonczak, H. S., & Clifasefi, S. L. (2017). Seattle's Law Enforcement Assisted Diversion (LEAD): program effects on recidivism outcomes. *Evaluation and program planning*, 64, 49-56.

jurisdictions in their efforts as well as encourage the remaining cities and jurisdictions to implement LEAD programs within their communities. **Furthermore, the Department of Health's Center for Harm Reduction Services is currently collaborating with the Governor's Office of Crime Prevention, Youth and Victim Services to provide technical support to jurisdictions which are interested in implementing these programs, this legislation serves to strengthen that collaboration.**

**Overall, the establishment of LEAD programs serves as a means of *de facto* decriminalization of drug laws**, wherein jurisdictions can establish systems to change the way law enforcement officers practice the law in lieu of changing the drug possession laws themselves. In both instances the community stands to benefit as people are able to get help instead of punishment. This is a fundamental goal of MDDCASAM; thus, we encourage a favorable report of this legislation out of committee.

Sincerely,

G. Malik Burnett, MD MBA MPH

Board Member, Maryland DC American Society of Addiction Medicine

# **HB 271 Public Safety - Law Enforcement Diversion P**

Uploaded by: Breidenstine, Adrienne

Position: FAV



March 18, 2021

**Senate Judicial Proceedings Committee  
TESTIMONY IN SUPPORT**

*House Bill 271 Public Safety Law Enforcement Assisted Diversion Programs*

Behavioral Health System Baltimore (BHSB) is a nonprofit organization that serves as the local behavioral health authority for Baltimore City. BHSB works to increase access to a full range of quality behavioral health (mental health and substance use) services and advocates for innovative approaches to prevention, early intervention, treatment and recovery for individuals, families, and communities. **Baltimore City represents nearly 35 percent of the public behavioral health system in Maryland, serving over 77,000 people with mental illness and substance use disorders (collectively referred to as “behavioral health”) annually.**

**BHSB is pleased to support HB 271 Public Safety Law Enforcement Diversion Programs** as this legislation supports strong partnerships between local behavioral health authorities (LBHAs) and law enforcement agencies to develop and implement LEAD programs that align with national best practices for a behavioral health crisis system.

The LEAD program is an important diversion program that is part of Baltimore’s behavioral health crisis response system. As the LBHA for Baltimore City, BHSB partnered with the Baltimore Police Department to launch the LEAD program in Baltimore City in February 2017, making this the first LEAD program in the state of Maryland. LEAD is a voluntary pre-booking diversion program that allows officers to redirect low-level offenders engaged in drugs and/or prostitution activity to community-based behavioral health services, instead of jail and prosecution.

Since inception, 338 individuals avoided arrest and were instead enrolled in the LEAD program. In addition, LEAD has had the positive effect of improving police-community relations. LEAD has helped facilitate positive relationships between police officers and civilians as well as strong alliances between police and the behavioral health provider community, a needed development given the State’s opioid crisis.

The LEAD program is one tool to help people with substance use disorder access treatment and support services, however, this program should be implemented with a referral model that focuses in lieu of arrest and overdose response, as is outlined in HB 217. This type of referral model aligns the LEAD program with national behavioral health crisis system best practices, which urge communities to minimize law enforcement interaction for individuals with behavioral health conditions.<sup>1</sup>

When implemented as part of the behavioral health crisis response system, the LEAD program can have a positive impact on communities and the lives of people with substance use disorders. **As such, BHSB urges the House Judicial Proceedings Committee to pass HB 271.**

---

<sup>1</sup> Substance Abuse and Mental Health Services Administration. (2020). National Guidelines for Behavioral Health Crisis Care: Best Practice Toolkit. Washington, DC.

**LEAD JPR Testimony 3-16-21.pdf**

Uploaded by: Ebersole, Eric

Position: FAV



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**HB 271** - Public Safety - Law Enforcement Diversion Programs

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

Thank you for the opportunity to offer testimony on HB 271. This bill would formally authorize Law Enforcement Diversion programs in Maryland and require the Governor's Office of Crime Control & Prevention to collect data and release an annual report on these programs. This would benefit jurisdictions that already have a program and for jurisdictions that may want to utilize one in the future. It would not require jurisdictions to adopt the program.

In a Law Enforcement Diversion program, police officers exercise discretionary authority at the point of contact to divert individuals to a community-based, harm-reduction intervention for law violations driven by unmet behavioral health needs. In lieu of the normal criminal justice system cycle -- booking, detention, prosecution, conviction, incarceration -- individuals are instead referred into a case-management program where the individual receives a wide range of support services, often including transitional and permanent housing and/or drug treatment. Prosecutors and police officers work closely with case managers to ensure that all contacts with Diversion Program participants going forward, including new criminal prosecutions for other offenses, are coordinated with the service plan for the participant to maximize the opportunity to achieve behavioral change.

This bill is an important step in bolstering existing programs, understanding the effectiveness of those programs, encouraging new programs in other jurisdictions, and reducing the number of people in the criminal justice system. I respectfully request a favorable report on HB 271.

Thank you,  
Eric Ebersole

A handwritten signature in cursive script that reads "Eric D. Ebersole".

Delegate Eric Ebersole  
District 12

# **Comptroller's testimony on HB271.pdf**

Uploaded by: Franchot, Comptroller

Position: FAV





Peter Franchot  
*Comptroller*

## TESTIMONY OF COMPTROLLER PETER FRANCHOT

Support - House Bill 271 - Public Safety - Law Enforcement Diversion Programs

*Judicial Proceedings Committee*

*March 18, 2021*

Chair Smith, Vice Chair Waldstreicher and members of the Committee, it is my pleasure to provide testimony in **support** of **House Bill 271 - Public Safety - Law Enforcement Diversion Programs**. I would like to thank Delegate Ebersole for sponsoring this legislation.

Law Enforcement Assisted Diversion programs are a promising new tool already available in some jurisdictions in Maryland, implemented by local law enforcement and State's Attorney. These programs are an encouraging step towards reducing the number of low-level drug users in our criminal justice system, something that most people would support. Getting low-level drug users and other offenders direct assistance, such as rehabilitation programs and other social services, instead of clogging up local courts and jails is a worthy cause. House Bill 271 codifies into law the authorization of these programs and provides broad guardrails. It empowers law enforcement to divert people who commit certain petty crimes out of the criminal justice system and directly into services they need. It also helps Law Enforcement by not having to go through the booking process, all while getting law enforcement back on the street faster to deal with more serious crimes.

It's time to take the next step in criminal justice reform and formally authorize a system to empower law enforcement to divert people out of the criminal justice system for low-level crimes. For the reasons stated above, I respectfully request a **favorable report** for House Bill 271. Thank you for your time and consideration.

###

**HB0271 - Senate\_FAV\_MedChi\_Public Safety - Law Enf**

Uploaded by: Kasemeyer, Pam

Position: FAV

# MedChi

*The Maryland State Medical Society*

1211 Cathedral Street  
Baltimore, MD 21201-5516  
410.539.0872  
Fax: 410.547.0915

1.800.492.1056

www.medchi.org

TO: The Honorable William C. Smith, Jr., Chair  
Members, Senate Judicial Proceedings Committee  
The Honorable Eric Ebersole

FROM: Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman

DATE: March 18, 2021

RE: **SUPPORT** – House Bill 271 – *Public Safety – Law Enforcement Diversion Programs*

---

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, **supports** House Bill 271.

House Bill 271 authorizes the establishment of Law Enforcement Assisted Diversion Programs (LEAD) in all jurisdictions in the State and requires the Governor's Office of Crime Control and Prevention to collect data and provide an annual report on the programs that are established. MedChi supports the development of LEAD programs which will provide law enforcement officers with training and resources to be better equipped to deal with the wide range of mental, behavioral, and substance related issues which they encounter on a daily basis. LEAD programs grant law enforcement the discretionary authority to divert individuals whose law violations are driven by unmet behavior health needs to community-based case management programs in lieu of the normal criminal justice system pathway which often leads to incarceration. These case management programs to which these individuals are diverted provide a broad range of support services to maximize the opportunity to achieve behavioral change and reduce the number of individuals in the criminal justice system.

Passage of House Bill 271 will not only bolster existing LEAD programs but also encourage the development of new programs in other jurisdictions. It also provides a framework for the State to understand and evaluate the effectiveness of the programs so that there can be continued improvement of their effectiveness moving forward. A favorable report is requested.

**For more information call:**

Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman  
410-244-7000

**NCADD-MD - HB 271 FAV - LEAD - Senate.pdf**

Uploaded by: Rosen-Cohen, Nancy

Position: FAV



**Senate Judicial Proceedings Committee  
March 18, 2021**

**House Bill 271  
Public Safety - Law Enforcement Diversion Programs  
Support**

The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) supports House Bill 271. Law Enforcement Assisted Diversion programs (LEAD) seek to divert people engaged in illegal drug or prostitution activity before they are arrested and booked. This bill will give permission for local authorities to create a LEAD program in their community. The bill specifies who needs to be involved in the development of the program and outlines the activities that may be involved.

There is a great amount of distrust and fear of police among people who use drugs. Our society has shamefully treated substance use disorders as a criminal justice problem instead of a public health challenge. LEAD programs give law enforcement officers the permission to do something different than arrest someone because of their drug use. This kind of diversion program, when successful, not only assists people who use drugs find help, it can begin to repair the damaged relationships between the community and police.

While we support giving law enforcement the flexibility to support people who need help, we want to make sure we do not create a system that unintentionally sets up a process where people **MUST** interact with law enforcement in order to get the care they need. The services described in the bill already exist outside a criminal justice or law enforcement setting, just not in sufficient amounts. Research clearly demonstrates that when services are readily available in the community, people are more likely to seek help.

Maryland needs to increase its investments in crisis response services, mobile treatment, peer recovery specialists, harm reduction strategies, and recovery support services. We believe giving police the ability to work with people who use drugs in a way that is much more public health focused is good public policy.

We ask for a favorable report for HB 271.

*The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.*

# **HB 271 - Support - MPS WPS.pdf**

Uploaded by: Tompsett, Thomas

Position: FAV



March 15, 2021

The Honorable William C. Smith Jr.  
Senate Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, MD 21401

RE: Support – HB 271: Public Safety - Law Enforcement Diversion Programs

Dear Chairman Smith and Honorable Members of the Committee:

The Maryland Psychiatric Society (MPS) and the Washington Psychiatric Society (WPS) are state medical organizations whose physician members specialize in diagnosing, treating, and preventing mental illnesses, including substance use disorders. Formed more than sixty-five years ago to support the needs of psychiatrists and their patients, both organizations work to ensure available, accessible, and comprehensive quality mental health resources for all Maryland citizens; and strives through public education to dispel the stigma and discrimination of those suffering from a mental illness. As the district branches of the American Psychiatric Association covering the state of Maryland, MPS and WPS represent over 1000 psychiatrists and physicians currently in psychiatric training.

MPS and WPS support House Bill 271: Public Safety - Law Enforcement Diversion Programs (HB 271) as Maryland desperately needs to develop effective and collaborative partnerships between law enforcement and mental health providers that divert people with mental illness from the criminal justice system and towards treatment.

Law enforcement officers are often the first called to deal with persons suffering mental health emergencies. Too often, persons with mental illness have been killed or seriously injured during attempts to manage their crises. HB 271 takes a meaningful step to avoid such outcomes by first ensuring that law enforcement officers are better trained to respond to such daily incidents where the underlying issue is related to an individual's mental health, behavioral health, and/or substance abuse and not his/her criminal intent. Further, the bill wisely "authorize[s] law enforcement agencies to develop and implement collaborative law enforcement diversion programs in Maryland that offer immediate pathways to behavioral health services and other services as an alternative to traditional case processing and involvement in the criminal justice system[.]" Simply criminalizing mental illness benefits neither the individual nor society as history has shown. Thus, a multi-layered approach proposed in HB 271, where well-trained officers divert those with mental health issues to meaningful treatment, will result in a safer, healthier Maryland.

Therefore, MPS and WPS ask the committee for a favorable report on HB 271. If you have any questions with regard to this testimony, please feel free to contact Thomas Tompsett Jr at [tommy.tompsett@mdlobbyist.com](mailto:tommy.tompsett@mdlobbyist.com).

Respectfully submitted,  
The Maryland Psychiatric Society and the Washington Psychiatric Society  
Joint Legislative Committee