

Building Justice in MoCo

What We Need from Our Next State's Attorney

The **Montgomery County State's Attorney** has the power to decide who to prosecute and what charges to bring, and has significant influence over whether someone is released pretrial, and what sentence they receive.

In 2022, county voters will decide whether to reign in criminalization, prosecution, and incarceration of our most vulnerable community members, or whether we will continue with our outdated and unjust approach to public safety.

How do we advance justice in Montgomery County? We must elect a State's Attorney who will:

Take money out of justice.

- No financial condition of release; no cash bail or fee-based supervision costs
- No opposition to release on the basis of housing instability or homelessness
- No payment to participate in diversion programs

Treat drug use as a health concern, not a criminal matter.

- Stop prosecuting simple possession of any controlled substance
- Stop prosecuting any marijuana-related offenses
- Advocate for decriminalization of simple possession of drugs in the Maryland General Assembly
- Advocate for the legalization of marijuana, and that revenues generated support communities disproportionately harmed by the war on drugs
- Advocate with the County Executive and others to increase and improve opportunities for diversion of drug offenses

Significantly expand and reform the use of diversion.

- Diversion programs should result in the absence of a criminal conviction and the receipt of services outside of the criminal justice system
- Diversion programs should be free for indigent defendants
- Diversion programs should be available for a range of offenses, including felonies
- Stop charging certain low level offenses, rather than charging and then diverting them

Understand that children are children.

- Stop charging children as adults
- Do not threaten children with adult charges
- Implement processes that maintain the separation of juveniles and adults at all times
- Advocate in the Maryland General Assembly to reform the law so that children can never be charged as adults
- Advocate with the County and State to remove police from our schools

Decriminalize homelessness and mental illness.

- No incarceration for misdemeanor theft, public urination, disorderly conduct, and trespass
- Direct law enforcement officers to issue citations, rather than make arrests
- Avoid charging these offenses and prioritize diversion when charged

Protect immigrant communities.

- No initiation of contact with or volunteering of information to federal immigration authorities; including that which pertains to a person's release date, court dates, probation or parole appointments, or whereabouts
- Consider immigration consequences of criminal offenses in charging and in case resolution decisions
- Support efforts by defendants to revisit old convictions that have had unintended immigration consequences
- Support County and State programs providing access to counsel for individuals facing deportation regardless of prior involvement in the criminal justice system

Institute meaningful sentencing review.

- Support parole for persons over the age of 65
- Review all requests for sentencing reconsideration and post-conviction motions with an eye toward decreasing sentences
- Consider the age of the defendant at the time of the commission of the crime
- Consider mental health, cognitive development, etc.
- Create a robust wrongful conviction unit

End harsh sentences.

- Stop charging mandatory minimums
- Consider caps on sentence recommendations
- Stop filing subsequent offender enhancements

Create police transparency and accountability.

- Create a "Do Not Call List," consisting of officers who will not be permitted to testify in court, serve as witnesses, or refer cases, because of the officer's record of behavior
- Disclose the "Do Not Call List" to the Public Defender's office
- Provide internal affairs records of misconduct complaints against law enforcement witnesses when requested by defense counsel (to the fullest extent permitted by state law)

Make public safety collaborative and transparent.

A newly-created Community Advisory Board will:

- Conduct its work subject to the Maryland Open Meetings Act
- Consist of broad and diverse stakeholders, including crime victims, formerly incarcerated persons, public defenders, prosecutors, community leaders, and civil rights advocates
- Educate the community about the rates at which offenses are prosecuted (or not), the outcomes of cases, and the demographics of those prosecuted
- Allow opportunities for the community to express its concerns