



BEL AIR POLICE DEPARTMENT
39 N. Hickory Avenue
Bel Air, Maryland 21014



Special Order 2020-05

BEL AIR OPIOID OVERDOSE REDUCTION EFFORT: Law Enforcement Assisted Diversion (LEAD)

From: Chief Charles A. Moore

Date: July 20, 2020

Distribution: All Personnel

Expires: Ongoing

Purpose

The Town of Bel Air is expanding the “Opioid Overdose Reduction Effort” which initially focused solely on reducing the number of heroin/opioid overdoses and deaths through the **Drug Abatement Response Team (DART)**. The expanded programming will attempt to intervene with individuals and families prior to an overdose occurring but after a low-level criminal offense has been committed through the **Law Enforcement Assisted Diversion (LEAD) program**.

Utilizing the LEAD program, police officers exercise discretionary authority at 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 trauma-informed intensive 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 LEAD 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.

Service: Individuals will qualify for participation in the LEAD program, as long as the specified crime was committed in the town of Bel Air, regardless of individual’s residency in the town of Bel Air, although preference is given to Bel Air town residents, depending on capacity to serve by LEAD providers.

Core Principles

- 1. Officer Discretion:** Law enforcement officers are the most informed and key decision-makers, closest to the community being served.
- 2. Harm Reduction Philosophy:** Establishes quality of individual and community life and well-being, not necessarily cessation of all drug use as the criteria for successful interventions and policies. Understands drug use as a complex, multi-faceted phenomenon that encompasses a continuum of behaviors from severe abuse to total abstinence and acknowledges that some

ways of using drugs are clearly safer than others. Calls for the non-judgmental, non-coercive provision of services and resources to people who use drugs and the communities in which they live in order to assist them in reducing harm.

3. Pre-booking Diversion: With officer discretion, intervening as soon as possible, prior to booking with the LEAD referral. This early intervention improves outcomes and minimizes costs to the community. Victims must agree to the diversion referral.

Goals

Goal 1: To recognize and treat substance use and other behavioral health conditions as public health issues and to address social service needs that may give rise to criminal offenses.

Goal 2: To reduce the cost to the criminal justice system by providing support services instead of prosecution and incarceration when guidelines are met.

Goal 3: To reduce the harm of drug use to the individual and the community, with a particular emphasis placed on prioritizing the individual's well-being.

Goal 4: To reduce crime and recidivism (re-arrests).

Goal 5: To improve community-police relations.

Goal 6: To reduce overdose deaths in the Town of Bel Air.

Partnering Agencies

Springboard Community Services (Formerly Family and Children's Services). For more than 170 years, Springboard Community Services has provided families, children, and elders in Baltimore and the surrounding counties with social services focused on prevention, intervention, counseling, and advocacy. Their clients — from abused children to at-risk elderly — are living, breathing examples of the critical work that they do. The Harford County Office is located at 44 East Gordon Street, Bel Air, Maryland 21014. Contact: Jessica Messner, jmessner@scsmd.org, Phone #: 410-776-4067.

Harford County Department of Social Services: The Maryland Department of Human Services (and Harford County branch of DHS) is the state's primary social service provider, serving over one million people annually. The Department, through its 24 local departments of social services, aggressively pursues opportunities to assist people in economic need, provide preventive services, and protect vulnerable children and adults in each of Maryland's 23 counties and Baltimore City. Located at 2 South Bond Street, Suite 300, Bel Air, Maryland 21014. Director: Mr. Jerry Reyerson, jerry.reyerson@maryland.gov, Phone #: 410-836-4955.

Harford County Office of Drug Control Policy: An organization that promotes and provides prevention services through strategies utilizing the resources of public/private agencies and citizens. The Harford County Office of Drug Control Policy has been on the front-line of the

opioid epidemic fight in our county and is located at 125 North Main Street, Bel Air, Maryland 21014. Administrator: Tara Lathrop, trlathrop@harfordcountymd.gov, Phone #: 410-638-3333.

Harford County Health Department: An organization that protects and promotes the health, safety and environment of the citizens of Harford County through community assessment, education, collaboration and assurance of services. The Health Department is located at 120 S. Hays Street, Bel Air, Maryland 21014. Contact, Mr. Zach Kosinski, zachary.kosinski@maryland.gov, Phone #: 410-612-1779; Cell #: 443-619-9436.

Maryland Opioid Operational Command Center: The Maryland Opioid Operational Command Center (Center) was established by Executive Order [01.01.2017.01] as part of the Hogan Administration's 2017 Heroin and Opioid Prevention, Treatment, and Enforcement Initiative. The Governor's Office of Crime Control and Prevention, along with the Department of Health and Opioid Operational Command Center have recently announced that \$22 million has been set aside to fight the epidemic in Fiscal Year 2018. Eighty percent of this funding is going to Maryland's 24 local jurisdictions and service providers to fund prevention, enforcement, and treatment efforts throughout the state. Executive Director: Mr. Steven Schuh, steve.schuh@maryland.gov, Phone: 443.578.1119.

Maryland Overdose Response Program: Registered Overdose Response Programs (ORP) are a part of the Maryland Department of Health's (MDH) strategy to reduce opioid overdose deaths. MDH began approving ORPs in 2014 to provide training in overdose response for those most able to assist someone at risk of dying by opioid overdose, people who use drugs, their family and friends, treatment program and transitional housing staff, law enforcement, and others. On June 21, 2019, Dr. Jinlene Chan issued an updated statewide standing order allowing Maryland-licensed pharmacists to dispense naloxone to anyone who may be at risk of opioid overdose or in a position to assist someone believed to be experiencing an opioid overdose. A person-specific paper, electronic prescription, or certificate of training is not required for a pharmacist to dispense naloxone under the standing order. For questions about accessing no-cost naloxone and overdose response training in Harford County or elsewhere in Maryland, contact Zach Kosinski, Harford County Health Department Overdose Response Program, at zachary.kosinski@maryland.gov, via phone at 410-612-1779, or via cell at 443-619-9436.

Governor's Office of Crime Prevention, Youth, and Victim Services: Serves as a coordinating office that advises the Governor on criminal justice strategies. The office plans, promotes, and funds efforts with government entities, private organizations, and the community to advance public policy, enhance public safety, reduce crime as well as juvenile delinquency, and serve victims. Director of Justice Reinvestment: Daniel Atzmon, Daniel.atzmon@maryland.gov, Cell: 561.350.3903.

Law Enforcement Assisted Diversion (LEAD)

Law Enforcement Assisted Diversion (LEAD) will be implemented in the Town of Bel Air as of July 20, 2020. Utilizing the evidence-based LEAD program, police officers exercise discretionary authority at point of contact to divert individuals to a community-based, harm-reduction intervention for low-level law violations driven by unmet behavioral health needs. In lieu of the

normal criminal justice system cycle: Booking, detention, prosecution, conviction, and possible incarceration, individuals are instead referred to a trauma-informed intensive case management program where the individual receives a wide range of support services. Law enforcement and prosecutors work closely with case managers and behavioral health professionals to ensure that all contacts with LEAD participants going forward, including new criminal prosecutions for other offenses, are coordinated for the participant to maximize the opportunity to achieve behavioral change and reduce future criminal activity.

A referred individual is considered to be a LEAD participant if they:

- A. Sign a LEAD Authorization Form and a Release of Information Form allowing the sharing of information on an as-needed basis among the LEAD operational and service provider partners; and
- B. Complete an intake session with LEAD case management; and
- C. Complete at least one in person follow-up session with LEAD case management

Hours of operation for arrest diversion (Stop Referral) and Social Contact Referrals will be Monday through Friday 9 a.m.- 5 p.m.

Bel Air Law Enforcement Assisted Diversion (LEAD)- Procedures as of July 20, 2020

- I. The Town of Bel Air Police Department has partnered with Springboard Community Services (formerly Family and Children's Services) and Peer Recovery Specialists from the Harford County Office of Drug Control Policy to provide immediate assessment and intake to determine what factors led the individual to engage in criminal activity, and offer immediate crisis-related assistance as needed. Case managers will provide comprehensive services to address these factors and reduce the harm the individual is causing to him/herself and the community.
- II. A LEAD trained officer may refer an individual to LEAD, based on the eligibility criteria (See Addendum #2 Eligibility Criteria) in addition to their own discretion and assessment of the individual's amenability to the intervention model. A prior referral does not preclude a second referral. The re-referral should be treated as a new referral and supervisor approval is necessary in order to proceed.
- III. There are two LEAD referral paths: Stop Referral and Social Contact Referral.
 - A. **Stop Referrals**

Diversion by Stop Referral to LEAD means that a person who committed a criminal offense that could result in an arrest will instead be engaged by LEAD program staff

(outreach and case management team) prior to booking and charging and any additional involvement with the judicial system. (See Addendum #1 LEAD Stop Referrals)

B. Social Contact Referrals

To the extent that the program has capacity after responding to Stop Referrals cases, LEAD will also accept referrals from officers making “Social Contact” with an individual. These referrals are those that officers perceive to be at a high risk of arrest or overdose in the future. Social Contact Referrals should not be used as the sole reason to initiate contact with the individual or enter an area. (See Addendum #3 LEAD Social Contact Referrals)

DART, or post overdose referrals are considered Social Contact referrals. After following normal overdose response procedures, officers can offer LEAD services to overdose victims and their families. If willing to engage with the LEAD service provider, the provider will be in touch immediately to either respond to the scene or schedule a follow up appointment at a time and location best for the individual or family.

IV. Intoxication/Informed Consent

If the LEAD officer observes that an individual is intoxicated, incapacitated, a risk to self or others, or otherwise unable to engage effectively in the LEAD diversion process, the individual should not be referred to LEAD at that time. In such case, the officer should follow normal procedure for processing the individual. Once the individual is no longer intoxicated or impaired, he/she can be informed of the LEAD program.

V. Operational Workgroup (OWG)

The LEAD Operational Workgroup includes, but is not limited to:

- LEAD Case manager(s) & Program Manager
- Other service providers as needed
- LEAD law enforcement officers and commanders
- Office of the State’s Attorney
- Public Defender
- Community Members/Community Advisory Board members

The Operational Workgroup (OWG) will meet biweekly (twice a month) to review LEAD participants and discuss the daily operations of the LEAD program. The OWG will be used to discuss referral criteria, program capacity, and compliance with the protocols and core principles. The OWG will also focus the attention of LEAD program staff and law enforcement on areas viewed with concern by community representatives and stakeholders.

The OWG will operate and make decisions by consensus, with all partners aligned with common program values of compassion, dignity, and autonomy, and the goal of individual and community welfare.

VI. Data management and Information Sharing

LEAD STOP referral participants are required and LEAD social referral participants are encouraged to sign a Release of Information (ROI) form authorizing program staff to discuss their cases and progress with the other partners. These ROI's are a condition of STOP referral participants participating in LEAD, and if not completed or if rescinded, the individual will not be considered a LEAD participant. Social referral participants may still participate in the LEAD program even if they choose not to sign the ROI's.

The Program Manager, with support from operational partners, will have primary responsibility for LEAD data management and information sharing. Participants' information will only be shared per the uses specified below. In addition, protected data under HIPAA, 42 CFR, and CJJS will only be shared with participant's permission, on an as needed basis, and in accordance with all relevant laws.

Authorized Uses of LEAD Data:

- To provide or coordinate services to participants;
- To identify and make referrals to programs that may assist participants;
- To track program outcomes and produce program reports and evaluations;
- For program administrative functions such as legal, audits, personnel, oversight, and management functions;
- To comply with funding reporting requirements;
- To identify service needs in our community;
- To support system-level planning;
- To conduct research for government and educational purposes approved by the LEAD Senior Policy Group;
- To accomplish any and all other purposes deemed necessary by the LEAD Senior Policy Group.

The Program Manager will store information relevant to LEAD operational partners on a secure platform, allowing access to necessary information as needed and between OWG meetings, including a list of LEAD participants, their referral source, and status in LEAD.

Data will be updated and validated regularly with assistance from operational partners.

At least monthly, the Program Manager will review law enforcement data focusing on potential points of failure within the program as evidenced by individuals who do not successfully engage in the services as well as individuals not diverted. In such cases,

supervisors will be encouraged to engage officers and educate colleagues on the benefits of diversion and harm reduction as well as the evidence supporting public health approaches to vulnerable populations. Findings will be presented to the OWG on a monthly basis in order to examine/identify potential changes to the protocol process and eligibility criteria in order to ensure that LEAD effectively meets the program goals.

VII. Notifications

LEAD participation will be noted in the Computer Aided Dispatch (CAD) system for officers to easily identify participants during interaction. If they are interacting with a LEAD participant, officers should have easy access to LEAD services to call for assistance. If the officer makes an arrest or has other concerns about the participant's well-being following the interaction, they should notify LEAD services.

Addendum #1 (LEAD Stop Referrals)

LEAD Stop Referral Procedures

- I. When a LEAD-trained officer initiates a stop and finds probable cause for an arrest, the officer may evaluate that individual for LEAD participation. (See Addendum #2 Eligibility Criteria)
- II. The LEAD-trained officer will ensure that the victim has an opportunity for input (signs the LEAD Diversion Consent Form). This victim assessment will also be considered by the officer when deciding to offer LEAD participation for the individual in custody. A victim declination on the consent form will not support allowing LEAD participation.
- III. The officer will follow normal arrest procedure, transporting the individual in custody to the Police Department.
- IV. The officer will seize and submit evidence, write up statement of probable cause and fill out other necessary paperwork.
- V. While in custody at the secure law enforcement facility, officers will identify the individual and begin screening for LEAD eligibility. If eligible, the officer will seek verbal approval from a supervisor. If not eligible for LEAD, the officer will follow normal arrest procedures.

A. Officer should assess eligibility before making the LEAD offer to the individual.

1. While in custody, officer may ask the individual if he/she has been referred to LEAD previously and may consider this when deciding to make LEAD offer. The re-referral should be treated as a new referral and supervisor approval is necessary in order to proceed. LEAD participation will be noted in relevant law enforcement systems to allow officers to notify LEAD staff if participants have additional police interactions.

2. If the officer has any questions or concerns about the LEAD process or an individual's eligibility, he or she is encouraged to contact the supervisor immediately before further action is taken. The officer may also contact the individual's LEAD case manager if they have questions about a specific LEAD participant or potential participant.

3. If an officer, despite an individual's eligibility status, is interested in providing additional care and support to an individual inside or outside of the criminal justice system, that officer is encouraged to attend and discuss this individual at the next Operational Workgroup Meeting. In such cases, LEAD partners can seek to provide needed services outside of the program when appropriate. In addition, LEAD partners can follow the case and attempt to re-engage the individual when they become eligible.

- VI. If an individual is subject to a criminal summons/charging documents for an eligible offense, officer will follow the same procedure upon coming into contact with the individual. If eligible for a LEAD referral, the documents will be withdrawn. If the individual is ineligible, the officer will follow normal procedure.
- VII. If the individual meets all of the eligibility requirements (See Addendum #2 Eligibility Criteria) and the officer receives supervisor approval, the officer will give the individual the choice of LEAD participation or booking per normal procedure. Officer informs the individual that charges may be filed in the future; pending positive CDS test results, if the individual fails to come in for his/her intake appointment, or the individual is deemed a continuing nuisance by law enforcement. A continuing nuisance is defined as an individual who has been seen or known by law enforcement to have been engaged in dangerous or harmful behavior within one month.
- VIII. If the individual chooses LEAD participation:
 - A. Officer will contact the LEAD case manager. The LEAD case manager will come to the police department to make contact with the individual during normal work hours (9 a.m. – 5 p.m.) if available. If not available or after normal work hours, the LEAD case manager will follow up with the referring officer and LEAD client during the next business day. The LEAD case manager will provide a preliminary assessment and have the individual sign the LEAD Authorization Form and Release of Information Forms, as relevant.
 - B. The LEAD case manager will follow through with LEAD procedures.
 - C. The LEAD case manager will send copies of the LEAD Authorization Form, Release of Information Forms, and Diversion Consent Forms to the LEAD program manager and the Harford County States Attorney's Office.
- IX. The officer will not file charges against the individual at this time. CDS evidence will be submitted for testing, and all other documentation will be completed and filed appropriately for record keeping.
- X. LEAD referrals and LEAD-related activity will be monitored and measured as they are with arrests and other job activities. Officers will not be penalized or see their recorded activities decrease because of using LEAD. LEAD referrals and program engagement is encouraged and will be recognized accordingly.

XI. Filing Charges

- A. If all the following conditions are met, charges may be filed for active LEAD participants with the consensus of the Operational Workgroup:
1. The individual failed to appear for their intake (within 30 days of referral) and/or at least one follow-up appointment with the LEAD case manager;
 2. The individual has not been engaged or been in contact with the LEAD case manager for at least one month;
 3. The individual is deemed a continuing nuisance by law enforcement. A continuing nuisance is defined as an individual who has been seen or known by law enforcement to have been engaged in dangerous or harmful behavior within the Town of Bel Air on at least two separate occasions within one month;
 4. If the members of the Operational Workgroup have made a good faith attempt to engage the individual. This includes persistent attempts to locate and engage the individual and thorough consultation with the Operational Workgroup; and
 5. If filing charges is in the best interest of the individual and community. Charges will be used as a last resort to help engage the participant in care and without punitive intent and the impact on the individual, their family and other relations will be considered. If charges result in the apprehension of the participant, law enforcement, prosecutors, and public defenders will attempt to get the individual care and linked to services both inside and outside of the criminal justice system.

Addendum #2 (Eligibility Criteria for Stop Referral to LEAD)

I. Adults (18 and over) suspected of the following categories of offenses will be eligible for diversion to LEAD:

- Controlled Dangerous Substances (CDS) possession
- Prostitution, including associated and third-party charges such as facilitation
- Misdemeanor Theft (Shoplifting and Larceny)
- 4th Degree Burglary when the offense involves unoccupied buildings or outbuildings, i.e., sheds
- Rogue and Vagabond
- “Nuisance Crimes” including but not limited to: Trespassing, open container, public urination/defecation. Any non-jailable offense where an officer will provide a criminal citation to an individual.

And should be referred to LEAD, except when:

- The crime involves a victim/s that can be located, in which case, the victim/s must consent to diversion in lieu of criminal prosecution by completing Diversion Consent Form;
- The suspected CDS activity involves Distribution or Possession with Intent to Distribute, and there is reason to believe the suspect’s primary motivation for dealing is to derive income, as contrasted with an addiction or survival motivation (i.e., as a source of funding to acquire additional CDS for personal use, or for basic needs such as food or rent);
- The individual’s behavior does not appear amenable to diversion (i.e., intoxicated, under the influence, or combative behavior);
- The individual does not pose a threat to public safety or the health and welfare of LEAD staff, partners or others. Excluding factors include open cases for crimes of violence, recent convictions (within 5 years) for crimes of violence, peace or protective orders with LEAD staff or partners and officer judgment.
- The individual appears to exploit minors or others in a drug dealing enterprise;
- The individual is suspected of promoting prostitution through force, fraud, or coercion;
- The individual has an existing peace or protective order prohibiting contact with a current LEAD participant or LEAD staff;
- The individual has one of the following disqualifying convictions that occurred within ten years before the date of the current offense:
 - First Degree or Second Degree Murder
 - Rape
 - First, Second, or Third Degree Sex Offenses

- Abduction or Kidnapping
 - Child Abuse (physical or sexual)
 - Armed Robbery or any offense involving a firearm
 - First Degree Assault
 - Arson
 - Manslaughter or Vehicular Manslaughter
- The individual has an open warrant, in which case the individual should be processed per existing policies and procedures;
- II. Individuals with open cases or under supervision may participate in LEAD if the pending offenses or the offense for which they are serving a sentence for is related to underlying behavioral health or social service needs, i.e., an eligible offense listed above.
- III. Individuals will qualify for participation in the LEAD program, as long as the specified crime was committed in the town of Bel Air, regardless of individual's residency in the town of Bel Air, although preference is given to Bel Air town residents depending on capacity of LEAD providers.
- IV. There is no substantive right to be offered LEAD diversion. LEAD eligibility is not intended to be a substantive right to be litigated.

Addendum #3 (LEAD Social Contact Referrals)

LEAD Social Contact Referral Procedures

- I. To the extent that the program has capacity after responding to Stop Referral cases, LEAD will also accept referrals who make a “Social Contact” with an individual. These referrals are those that officers to be at a high risk of arrest or overdose in the future.
- II. Criteria for Social Contact Referrals:
 - A. Law enforcement or LEAD case manager should verify that the individual is involved with problematic drug use, prostitution, or related behavior which may cause community concern. To verify this involvement, law enforcement may consider the following evidence:
 1. Police reports, stops, jail bookings, criminal charges;
 2. Previous observation of the individual’s involvement with illegal narcotics possession; and
 3. Other community organizations and/or members have a reliable basis of information to believe that the individual was or is engaged in illegal narcotics or prostitution activity;
 4. Any offense subject to criminal citation, but that is not a jailable offense.
 - B. The individual’s involvement with illegal narcotics or prostitution must have occurred within the Town of Bel Air.
 - C. The individual’s involvement with illegal narcotics or prostitution must have occurred within 3 months of the date of referral.
 - D. The individual does not pose a threat to public safety or the health and welfare of LEAD staff, partners or others. Excluding factors include open cases for crimes of violence, recent convictions (within 5 years) for crimes of violence, peace or protective orders with LEAD staff or partners and officer judgment.
- III. When a LEAD-trained officer encounters an individual who may be well served by LEAD, they may ask the individual if they are interested in LEAD services or simply in need of assistance. If the individual is interested in assistance, the officer should contact the LEAD case manager. The officer should note the particular circumstances of the referral and why he/she believes this individual is in need of LEAD services. The LEAD case manager will make contact with the individual during normal work hours (9 a.m. – 5 p.m.) if available. If not available or after normal work hours, the LEAD case manager will follow up with referring officer and LEAD client during the next business day. The LEAD case manager will provide a preliminary assessment and have the individual sign the LEAD Authorization Form and Release of Information Forms, as relevant.

- IV. LEAD services will be used for those with the highest needs and at the highest risk of overdose and future arrest.
- V. Individuals referred by Social Contact may opt out of LEAD services without penalization at any time, which will be clearly communicated to the participant.