

# Our Revolution Baltimore City/County

## *State's Attorney Questionnaire*

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### **Ending Race and Class Based Disparities**

#### **Bail / Pre-Trial Release**

The continued use of unjust bail policies contributes to the overall incarceration of low-income individuals and disproportionately harms people of color by keeping them incarcerated simply because they cannot afford to pay bail.

**What policies would you adopt to reduce the use of cash bail and decrease the number of defendants held in pre-trial detention?**

**RESPONSE: Cash bail is rarely used in Baltimore County. As a policy, my office would never request cash bail. An alternative to setting a cash bail is to request an unsecured bond. That means that a financial obligation is only required after a person fails to appear for court. The best way to ensure that a defendant appears for court is to have a robust pre-trial services agency that monitors each defendant.**

#### **THE CRIMINALIZATION OF POVERTY & DEBTORS' PRISON**

Maryland's criminal justice system disproportionately harms people living in poverty. Whether through the imposition of fines and fees as a condition to resolving cases, or through laws that effectively criminalize homelessness, local actors have imposed a poverty penalty on many people within our communities.

**What policies would you adopt to reduce the number of people who remain in jails or have criminal convictions simply because they are poor?**

**RESPONSE: Baltimore County has experienced record-level homicides this year, surpassing the record that was set in 2019. Our focus needs to be on violent crime, not on petty cases. When courts closed for a year in 2020 (jury trials are currently canceled from 12/29/21 - 2/8/22) this created a backlog of cases which include the most serious offenses. We need to clear the backlog by declining to prosecute cases that are consistent with the**

**criminalization of poverty. Johns Hopkins recently published a study that proved that Baltimore City's COVID policy of dismissing low-level offenses freed up the court system and that there was virtually no recidivism from the people whose cases were dismissed.**

## **DIVERSION PROGRAMS ACCESSIBILITY**

Pretrial diversion creates opportunities for people charged with an offense to get the support and education necessary for rehabilitation, and allows successful individuals to avoid the collateral consequences of a conviction, which can be detrimental to future employment, housing, and education.

**What policies would you adopt to ensure pretrial diversion programs are available to anyone eligible to participate in the program, irrespective of an individual's ability to pay a fine or fee?**

**RESPONSE: Fees should not be a prerequisite for diversion. There should be as few barriers as possible for entry into diversion. That includes prior record.**

## **Ending the War on Drugs**

### **KEEPING PEOPLE OUT OF JAIL FOR DRUG-RELATED OFFENSES**

Years of experience with aggressive yet ineffective drug laws and the latest medical research on addiction suggest that treating drug use as a public health issue, as opposed to a criminal justice issue, is a more effective approach to reducing harm.

**What policies would you adopt to reduce the number of people in jails and prisons for drug-related offenses?**

**RESPONSE: I have been a leading advocate for the legalization of cannabis. I continue that fight now as a candidate for State's Attorney. We will not prosecute marijuana cases in my office. I will advocate for Baltimore County to enter into the L.E.A.D. program - following in Howard County's footsteps - which allows police officers to 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.**

### **TREATING OPIOID ADDICTION AS A PUBLIC HEALTH PROBLEM**

The opioid crisis claims tens of thousands of lives every year, and has shown few signs of abating. Prohibitionist policies did not win the war on drugs, and they will not end this crisis.

**What policies would you adopt to treat addiction as a public health crisis, rather than a criminal justice concern?**

**RESPONSE:** See above answer. Additionally, I will advocate in support of legislation to decriminalize drug paraphernalia.

## **Eliminating Excessive Punishments, Prioritizing Harm and Recidivism Reduction, and Developing Restorative and Rehabilitative Alternatives to Incarceration**

### **END THE CHARGING OF CHILDREN CHARGED AS ADULTS**

Children's brains continue developing until around the age of 25 and research supports their enhanced capacity for rehabilitation. As a result, children should not be prosecuted in adult court, nor should they be given punishments that preclude the opportunity for redemption.

**What policies would you adopt to ensure that children are treated like children in the criminal justice system?**

**Specifically, would you categorically end the charging of children (individuals under the age of 18) as adults?**

**What policies would you adopt to treat emerging adults in accordance with their level of brain development and their enhanced capacity for rehabilitation?**

**RESPONSE:** Scott Shellenberger was one of 3 members of the Juvenile Justice Reform Council to vote against a recommendation that the legislature should abolish the practice of automatically charging juveniles as adults for certain offenses. I side with the 13 members who voted in favor of the ban. Attorney General Brian Frosh even stated his support for the ban. As a former assistant public defender in Baltimore City, I handled several transfer and waiver hearings of juveniles. I also wrote the legislation that was passed in 2012 that allows individuals to expunge their adult records if their case was sent back down to juvenile court.

### **PROPORTIONATE SENTENCING AND PATHWAYS TO SECOND CHANCES**

People are more than their worst acts, and even people who commit the most serious offenses often change their lives profoundly over time. To recognize the worth and potential for growth in all people, it is important for local prosecutors to provide individualized consideration to the character and background of each person and to the circumstances surrounding the commission of the offense.

**What policies would you adopt to promote opportunities for release, through parole or clemency, and to help remove barriers to reentering society for those who are released from incarceration?**

**RESPONSE:** The State's Attorney doesn't have much say when it comes to parole or clemency. However, just last week, a Baltimore man was the first

**person to be released from incarceration using a law that was passed in 2019 that gives a prosecutor the power to request a sentence to be vacated. My office will create a Conviction Integrity Unit that will include the responsibility of determining if there are sentences that can be overturned or shortened.**

## **ELIMINATING UNNECESSARY PUNISHMENTS**

Criminal punishments for certain crimes, including quality-of-life offenses, are by definition excessive.

**What policies would you adopt so as not to burden people who do not pose a public safety risk with criminal records, which become lifelong barriers to economic success?**

**RESPONSE: My office will employ diversion programs before prosecution. If a case is prosecuted, my office will offer several incentives for defendants to participate in counseling/therapy or other services in exchange for dismissal. My office will also increase the offering of probation before judgment instead of a guilty finding.**

## **Increasing Transparency and Accountability**

### **ENGAGING WITH THE COMMUNITY**

Enhancing transparency and accountability within the state's attorney's office is critical to ending the win-at-any-cost pursuit of high conviction rates that fails communities and to ensuring community accountability.

**What policies would you adopt to ensure the community is provided information about arrest rates, charging decisions, and sentencing policies?**

**RESPONSE: The Baltimore County State's Attorney's Office has a very underwhelming website and internet presence. I will hire a deputy state's attorney to lead our community outreach efforts that includes revamping our social media and website that includes public data. Recognizing that not everyone is on the internet, our community outreach will include regular meetings across Baltimore County with community associations and other groups.**

### **ESTABLISHING AN INDEPENDENT PUBLIC INTEGRITY UNIT**

Maryland's prosecutors must be committed to rigorously and independently investigating and prosecuting police and other official misconduct. An independent Public Integrity Unit tasked with investigating and prosecuting alleged instances of public corruption, fraud, police shootings, or other abuses of power will help avoid concerns about bias in cases involving police misconduct.

**Will you develop clear and public procedures and staff responsibilities whenever a claim of excessive force by law enforcement, including but not limited to the use of a firearm, occurs, including a robust investigatory protocol and an independent investigatory team that has no regular contact with the law enforcement agency in question?**

**Will you commit to releasing any dash-camera, body-camera, or other audio or video footage related to police-involved misconduct within 24 hours of any charging decision?**

**Will you commit to a full investigation of any allegation involving police corruption or police violence, including presentation to the grand jury?**

**Will you maintain and publicly disclose a list of all officers under investigation or about whom exist serious questions about credibility?**

**Will you set specific goals for reductions in convictions, crime, and officer misconduct?**

## **DEVELOP POLICIES THAT ENSURE THE INTEGRITY OF CONVICTIONS**

Law enforcement officials and prosecutors will inevitably make mistakes. The consequences of wrongful convictions are manifold; the innocent person spends years in prison for a crime he did not commit, and justice continues to elude the victim's family.

**What policies will you adopt to vigorously re-examining prior cases whenever there is credible evidence of innocence?**

**What policies will you develop to limit the possibility of future wrongful convictions?**

**Will you add a "look back period" or an office to review former cases that were not brought to trial? If so, what would that look like?**

**RESPONSE:** As stated in a previous answer, we will create a Conviction Integrity Unit that has been done in several other jurisdictions. There is no reason why Baltimore County does not have one. We will work in partnership with organizations like the Innocence Project and the University of Baltimore School of Law. To limit wrongful convictions, we will have an open discovery policy where everything is turned over to the defense.

## **Aiding Undocumented Communities**

Maryland is home to a large and diverse immigrant population. Undocumented communities have come under increasing attack because of increasingly vicious federal immigration laws. These policies not only allow for deportation because of minor allegations like possession for drugs, but they also make communities less safe, as undocumented victims and witnesses fear going to court or speaking to law enforcement.

**What policies will you adopt to protect some of our nation's most vulnerable residents?**

**RESPONSE:** In 2017, I helped organize a petition drive in Baltimore County where we knocked on doors to talk to voters to resist Baltimore County's participation in a 287(g) program. The Baltimore County State's Attorney's Office should not be performing federal immigration enforcement. That is not the scope of the office. We will provide visas to witnesses and victims of crime so that they do not fear deportation. Also, our office will become familiar with immigration consequences for defendants and choose to prosecute crimes that are less burdensome on immigrants.

## **Fight for Criminal Justice Reform in Towson and Annapolis**

During the legislative processes for both the County Council and the State Legislature, police reform was watered down to remove transparency and accountability measures and shield police officers from accountability.

**How will you be a champion for statewide criminal justice reform?**

**How will you address racial bias and racial disparities throughout the criminal justice system?**

**RESPONSE:** I was one of the 52 individuals who signed up to testify in support of Councilman Julian Jones's police reform bill in 2020. The incumbent State's Attorney, along with the FOP President, were the only opponents. He then opposed Speaker Adrienne Jones' bill in Annapolis. At a recent forum hosted by the Randallstown NAACP, Shellenberger said that he doesn't support "willy nilly police reform." I was appalled by his comments. I will continue what I have always done by championing police and criminal justice reform in Baltimore County and all of Maryland. I will also create a taskforce to audit the practices of the Baltimore County State's Attorney's Office to determine if racial bias and disparities exist in the office. I will look at the example of the audit that was recently started in the Montgomery County office.