Law Enforcement Assisted Diversion (LEAD) Policy

436.1 PURPOSE AND SCOPE

The purpose of this directive is to establish procedures to implement the Law Enforcement Assisted Diversion (LEAD) initiative where low-level criminal offenders can be diverted from the criminal justice system to harm reduction-based services. The LEAD initiative allows deputy sheriffs discretion to divert low-level, non-violent offenders, whose offense is driven by problematic substance use, mental-illness, homelessness, or poverty, away from the criminal justice system.

436.1.1 DEFINITIONS

Definitions related to this policy include:

Harm Reduction - is a range of public health policies designed to lessen the social and/or physical consequences associated with various human behaviors, both legal and illegal.

Lead Care Coordinator - works under the supervision of the St. Mary's County Health Department to provide care coordination services.

Opioid Senior Policy Group (SPG) - refers to the signatories of the Memorandum of Understanding, including the St. Mary's County Sheriff's Office, St. Mary's County Health Department, the State's Attorney's Office, and the Public Defender's Office. The SPG is the governing body of the LEAD initiative and is responsible for:

- reviewing and approving referral and diversion protocols;
- reviewing and approving Requests for Proposals (RFP) for securing service providers;
- planning expansion or contraction of the geographic area of operations;
- reviewing and providing guidance on reports from the OWG;
- overseeing the hiring process;
- and providing guidance to the Project Manager.

Operational Workgroup (OWG) - includes personnel from the agencies who are involved in the day-to-day operations of LEAD. The OWG is staffed by operational-level personnel from the St. Mary's County Sheriff's Office, State's Attorney's Office, Public Defender's Office, LEAD Care Coordinator, peer recovery specialists, and any necessary service providers. The OWG is charged by the SPG to:

- develop and amend referral and diversion protocols;
- review active diversion/referral cases;
- provide operational support to the LEAD Care Coordinator and peer recovery specialists;
- and provide periodic operational-level reports to the SPG.

Copyright Lexipol, LLC 2026/11/02, All Rights Reserved.
Published with permission by St. Mary's County Sheriff's Office

Social Contact Referral - is the process of referring an individual who has not committed a criminal offense to a LEAD Care Coordinator for services. Social contact referrals enable deputy sheriffs to refer an individual who is involved and is afflicted by problematic substance use, mental illness, poverty, or homelessness to services without having to wait for them to commit a criminal offense.

- To the extent that LEAD has the capacity for additional participants, an individual who fits the outlined criteria, but has not committed a new crime, may be referred to the LEAD Care Coordinator.
- Any social contact referral from an agency outside of St. Mary's County outside of SMCSO or SMCDRC will be discussed and approved at the operational workgroup meeting.
- Social referrals should be considered when there is a high probability that the individual's continued behavior will result in criminal charges or involvement in the criminal justice system.

Stop Referral - is the process by which a LEAD-trained deputy sheriff refers an adult suspected of committing a qualifying offense to the LEAD program, consistent with the eligibility criteria established in this policy.

Note: The Stop Referral process is not currently in active use by the Sheriff's Office. Future implementation remains pending further coordination and discussion between the State's Attorney's Office and the St. Mary's County Health Department.

436.2 POLICY

The St. Mary's County Sheriff's Office recognizes that community-based care for people who commit law violations related to behavioral health issues or extreme poverty can be a beneficial alternative to punitive enforcement-based responses. Therefore, it is the policy of the St. Mary's County Sheriff's Office to implement and maintain a LEAD initiative.

436.3 GUIDING PRINCIPLES

(a) Harm Reduction Philosophy -Participants will be engaged where they are in their lives and recovery; they will not be penalized or denied services if they do not achieve abstinence.

(b) Community Transparency and Accountability - Community stakeholders and public safety leaders shall participate in regular staff meetings and have access to program performance reports and program staff.

(c) Participant Confidentiality - The confidentiality of LEAD Participants and a respect for their privacy are crucial components to their success and to ethical service delivery. LEAD stakeholders and operational partners recognize that participant data security is always a priority and that participant safety and reputation depend on a commitment to confidentiality and privacy.

Copyright Lexipol, LLC 2026/11/02, All Rights Reserved.
Published with permission by St. Mary's County Sheriff's Office

436.4 LEAD REFERRAL AUTHORIZATION

(a) Social referrals to the LEAD program may be submitted by any deputy, correctional officer, or designated non-sworn personnel, such as the Behavioral Health Specialist, who has received instruction on the LEAD referral process. LEAD certification is not required.

436.5 ELIGIBILITY

(a) Persons with a known history of alcohol or substance use, poverty, homelessness, or mental health-related needs may be eligible for diversion into LEAD when probable cause exists that the person committed any of the following offense(s):

1. Non-violent misdemeanor offenses or violations; or
2. Non-violent St. Mary's County Ordinance violations, when the offense is related to an alcohol or substance use, poverty, homelessness, or mental health-related need. When an identifiable victim exists, the victim must be willing to decline prosecution for the individual to be considered for diversion into LEAD.

Note: These eligibility criteria apply specifically to Stop Referrals. Stop Referrals are not currently in active use by the Sheriff's Office and would be implemented only after the necessary coordination and approval by the State's Attorney's Office.

(a) Social referrals to the LEAD program may be submitted by any deputy, correctional officer, or designated non-sworn personnel, such as the Behavioral Health Specialist, who has received instruction on the LEAD referral process. While LEAD certification is not required, individuals making referrals must understand the program's purpose, eligibility criteria, and referral procedures. Final acceptance into the program remains subject to review by the Operational Work Group.

(b) Exceptions – The following criteria apply primarily to Stopped Referrals. Individuals are not eligible for the LEAD program under a Stopped Referral when:

1. the individual does not appear amenable to diversion;
2. the individual is unable to give consent;
3. the suspected drug activity includes the sale of drugs or an amount consistent with distribution;
4. the individual exploits minors or other individuals;
5. there is probable cause to believe the individual committed a violent offense;
6. there is probable cause to believe the individual violated an order of protection;
7. there is probable cause to believe the individual committed a domestic violence-related offense;
8. the individual is suspected of promoting prostitution;
9. the individual is a registered sex offender;
10. the individual needs acute emergency care due to being a danger to themselves or others;

Copyright Lexipol, LLC 2026/11/02, All Rights Reserved.
Published with permission by St. Mary's County Sheriff's Office

11. the individual has outstanding warrant(s);
12. the individual is on any type of court-imposed supervision in any jurisdiction;
13. without time limitation, the individual has been convicted of any of the following offenses (including attempts): Murder (any degree), Arson 1st or 2nd, Robbery, Assault 1st, or any sex crime.
14. within the last 10 years, the individual has been convicted of any of the following offenses (including attempts): Robbery, Assault 2nd, Weapons Violations, or Burglary 1st or 2nd.

(c) For Social Referrals, the above criteria may be considered but do not automatically disqualify an individual from being referred. Deputies, correctional officers, or designated non-sworn personnel may still submit a Social Referral when they believe the individual may benefit from LEAD services. Final determination of eligibility and program acceptance will be made by the Operational Work Group.

436.6 PROCEDURES

When a deputy, correctional officer, or designated non-sworn personnel encounters an individual with a known history of alcohol, drug use, poverty, homelessness, or mental health-related needs who may be well served by LEAD, they may initiate a Social Referral using the digital referral form accessible via:

SCAN ME

(a) If the individual is eligible to participate in the LEAD program, advise the individual about the LEAD program and ask if they would like to participate in the program.
1. Explain and answer any questions about eligibility.
2. Stress that participation is voluntary.
3. Explain that further screening will take place and that the Sheriff's Department does not determine final eligibility.

(b) The referral should be initiated while still with the individual.
1. If the individual declines the referral, the referring party will complete only the first page of the referral form to document the individual's name and the nature of the encounter. This does not initiate the LEAD Social Referral process or result in services being offered.
2. If the individual accepts the referral, the referring party will complete the full form, including reading the consent statement and obtaining verbal consent. This authorizes the Health Department LEAD Coordinator to contact the individual and begin the intake process.

Copyright Lexipol, LLC 2026/11/02, All Rights Reserved.
Published with permission by St. Mary's County Sheriff's Office

(c) Stop Referral Process -The Stop Referral Process is not currently in use. Implementation is pending review and management by the State's Attorney's Office.

(d) Social Contact Referral Process

1. The Social Referral is a proactive tool designed to connect individuals to services before they become involved in the criminal justice system. It is not dependent on a criminal offense or arrest.

2. The eligibility criteria outlined in Section 436.5(d) may be considered when evaluating a potential Social Referral, but they do not automatically disqualify an individual from being referred. Final determination of eligibility and program acceptance will be made by the Operational Work Group (OWG).

Copyright Lexipol, LLC 2026/11/02, All Rights Reserved.
Published with permission by St. Mary's County Sheriff's Office