

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

November 24, 2008

**CALL TO PODIUM:**

Chief John A. King

**RESPONSIBLE STAFF:**

Chief John A. King  
MCP Captain Mitch Cunningham

**AGENDA ITEM:**

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input checked="" type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

<p><b>TITLE:</b></p> <p>Discussion Concerning a Citizen Request that the Mayor and City Council Support Statewide Legislation Associated With the Use of Diminutive Credits to Reduce Prison Terms</p>
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<p><b>SUPPORTING BACKGROUND:</b></p> <p>As a follow-up to testimony made by Montgomery Village resident, David Udoff, during the October 6, 2008 Mayor and City Council meeting (under Public Appearances), Captain Mitch Cunningham of the Montgomery County Police Department and citizen David Udoff will present an overview of an anticipated proposed legislation.</p> <p>State Senator Nancy King (District 39) is in the process of drafting a bill to be submitted (during the 2009 Legislative Session) for consideration by the State. The Montgomery County Police Department is supporting this bill that would not let more than 15% of a prison sentence be reduced by the use of diminutive credits if a prisoner is convicted of a violent crime.</p> <p>Please note that passage of this bill would have no effect on a prisoner's ability to be released on parole or restrict a judge's ability to reduce a sentence through a reconsideration hearing.</p> <p>For your review, I have attached "Talking Points" about this proposal compiled by the Montgomery County Police.</p> <p>Staff recommends that the Mayor and City Council support this legislation and include it in the City's 2009 Legislative Agenda.</p>
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<p><b>DESIRED OUTCOME:</b></p> <p>Hear presentation, and provide guidance to staff.</p>
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**Montgomery County Department of Police**  
***Diminution Credit legislation***

**Lindsay Harvey case**

On April 13, 2008 Lindsay Harvey, a federal DNA analyst and resident of Montgomery, was brutally murdered, shot to death after she was robbed. Montgomery County Police arrested the suspect a short time later and then learned that the suspect, Sean Henderson, had been convicted of a series of violent robberies in 2000, in which all three victims had their throats either stabbed or slashed at. While he had been given a 20 year sentence, the judge suspended all but 12 years, the same judge then also granted a reconsideration hearing where he reduced Henderson's sentence by 2 years and then with the diminution credits, he was released 3 and 2/3 years early, in 2006. Had it not been for Mandatory Release he would have still been in jail and could not have committed this murder in April 2008. As we have further researched Mandatory Release we are learning of additional cases, one of which is available at this link.

[http://findarticles.com/p/articles/mi\\_qn4183/is\\_20080125/ai\\_n21216954](http://findarticles.com/p/articles/mi_qn4183/is_20080125/ai_n21216954)

## *Maryland Criminal Justice:*

- **Maryland is the 5<sup>th</sup> most violent State, Virginia is the 38<sup>th</sup>**
  - US Census Bureau 2006
- **Maryland is 39<sup>th</sup> in unemployment rate (one of the lowest)**
  - Bureau Of Labor Statistics
- **In Maryland, 51% of those convicted of crime, re-offend within 3 years**
  - DOJ-Bureau of Justice Statistics
- **In Virginia, only 30% of those convicted of crime, re-offend within 3 years**
- **Maryland is the only known state to allow sentences to be reduced by “Reconsideration” after conviction**

## **Montgomery County Legislators in whose District this crime occurred:**

### **DISTRICT 17**

[Sen. Jennie M. Forehand](#) (D), District 17     *On Senate Judicial Proceedings Committee*  
James Senate Office Building, Room 223  
11 Bladen St., Annapolis, MD 21401  
(410) 841-3134, (301) 858-3134  
e-mail: [jennie.forehand@senate.state.md.us](mailto:jennie.forehand@senate.state.md.us)

[Del. Kumar P. Barve](#) (D), District 17  
House Office Building, Room 361  
6 Bladen St., Annapolis, MD 21401  
(410) 841-3464, (301) 858-3464  
e-mail: [kumar.barve@house.state.md.us](mailto:kumar.barve@house.state.md.us)

[Del. James W. Gilchrist](#) (D), District 17  
House Office Building, Room 221  
6 Bladen St., Annapolis, MD 21401  
(410) 841-3744, (301) 858-3744  
e-mail: [james.gilchrist@house.state.md.us](mailto:james.gilchrist@house.state.md.us)

[Del. Luiz R. S. Simmons](#) (D), District 17     *on House Judiciary Committee*  
House Office Building, Room 225  
6 Bladen St., Annapolis, MD 21401  
(410) 841-3037, (301) 858-3037  
e-mail: [luiz.simmons@house.state.md.us](mailto:luiz.simmons@house.state.md.us)

**Legislative Proposal:**

**For offenders convicted of a crime of violence as defined in Title 14-101 (a), they must complete 85% of their sentence, recognizing that they are eligible for Parole upon completing 50% of their sentence.**

**Crimes under Title 14-101 (a) (see attached)**