

PROGRAM: The Choice is Yours

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By Vinny Vella

Ursinus College was everything Trey Womack hoped it would be. He was on the football team, holding up its defensive line, had a tight social circle of friends, and a chance to help other students as a writing tutor.

But the allure of the college lifestyle became too strong, he says now, a few years later. He started selling marijuana out of his dorm room, until a knock at his door from Collegeville police brought him back to reality.

“I credit it to not having a real sense of identity,” Womack, 22, said. “I was trying to be someone I wasn’t, trying to play the role of a figure I really wasn’t, in an environment that wasn’t ideal.”

At 19, Womack was charged with a felony — possession with intent to deliver — expelled from college and adrift in uncertainty. The hardest, most sobering part of the experience, he said, was being escorted by police across campus under the gaze of his fellow students.

But a new diversionary program in Montgomery County designed for first-time, nonviolent drug offenders, started after a decade of success in Philadelphia, helped him avoid jail time and expunge his record.

The initiative, called The Choice Is Yours, is a collaboration between the District Attorney’s Office and public defenders in the county. It’s an attempt, as one prosecutor put it, to avoid taking a one-size-fits-all approach to every case, and to create a progressive policy that benefits the community without undermining the criminal justice system.

“I didn’t feel judged for the mistakes I had made,” Womack, one of the program’s first graduates, said. “I felt pushed to grow as an individual, to focus on what I needed and wanted.”

During Womack’s time in the program, he wasn’t lectured by a judge or an attorney, he said. He sat through sessions with other people arrested for similar crimes, and together, as a group, they learned about trauma, PTSD, and better ways to deal with challenges in their lives.

The Choice Is Yours was started by former Philadelphia District Attorney Seth Williams, who was inspired to emulate a program in San Francisco run by then-District Attorney Kamala Harris. For a decade, the program, overseen by JEVS Human Services, diverted several hundred Philadelphians from a jail sentence through 13 months of community service, job training, and educational programs completed with case managers.

It was so successful that Montgomery County’s First Assistant District Attorney Ed McCann, who had worked with Williams, sought to bring it with him when he took a job in the suburbs. COVID-19 delayed his efforts by a few years, but Womack’s successful completion of the program last month has McCann hopeful that The Choice Is Yours will work well in a second county.

“The important point to make is that as a prosecutor’s office, you have to be discerning with who you deal with; you don’t want to paint everyone with the same brush,” McCann said.

The program worked in Philly, McCann said, because of the buy-in it received from both the prosecution and the defense — he remembered one of his colleagues under Williams lending suits to participants in the program so they could attend job interviews.

“We have to do our jobs with the understanding that trust has waned in law enforcement in many places,” he said. “And we have to do what we can to claw that back, and programs like this can do that, when you show people you’re willing to give them a second chance to overcome a mistake.”

Too often, McCann said, a felony conviction can act as an “economic death sentence,” dooming defendants to a life of shuttered doors and rejected job applications. That’s why The Choice Is Yours targets first-time offenders, people who are new to the criminal justice system and who, according to prosecutors, usually deal drugs out of desperation.

“Not everyone involved in this type of activity needs to be saddled with a felony conviction,” McCann said. “The people in this program aren’t kingpins. These aren’t guys enriching themselves. They are people who are, generally speaking, struggling economically, and this is something they’re doing to supplement their income.”

That attitude has attracted support from Carol Sweeney, the co-deputy of Montgomery County’s public defenders’ office.

Sweeney said that her office has seen the full gamut of people involved in drug dealing and that the majority of them are living hand-to-mouth, struggling to make ends meet.

“So you get someone wrapped up in drug culture, who thinks it’s a good way to make money, and ends up getting arrested as a dealer,” she said. “It’s an attractive way to make money in certain climates, but you’re branded with one arrest, giving you a lifetime of being unable to get unemployment because of a conviction of that nature and the optics that go along with it.”

Sweeney gave the example of another teen the program has helped, who was caught getting marijuana vape cartridges sent to their home through the mail. Through The Choice Is Yours, that teen avoided jail, and hasn’t been arrested since.

Kahlil Thomas has seen success stories like that firsthand. As an employment adviser with The Choice Is Yours, Thomas has worked with clients, like Womack, who benefited from instruction rather than punishment.

The program works, Thomas said, because he and his colleagues rely on empathy first, coming from similar experiences as the people they’re advocating for.

“These people to us are not the passed over by society. These are our brothers and our neighbors, and we work hard to treat them as respected community members and family members they are,” he said.

“It’s about making a conscious effort to let them know that, yes, we’re part of the court system, but we’re not here to tell on you or be your parole officer,” he added. “We’re here to turn yourself around and give you what you need to be successful.”

For Womack, that’s translated into working two jobs in Germantown as he takes college-level courses in computer science. It wouldn’t have happened, he said, if he had been slapped with a jail sentence and sent on his way.

“Those were my decisions, and I was able to learn from them,” Womack said. “And I’m a better person today because of it.”