The Role of the District Attorney

SUBSTANCE ABUSE & CRIMINAL CHARGES

{BRIDGES NOT BARRIERS}
Drug Crimes

*Possession of a Controlled Substance- methamphetamine, cocaine, heroin, methadone, oxycodone, MDMA
  ○ ALL FELONIES by statute

Delivery of a Controlled Substance

Manufacture of a Controlled Substance

*PCS often in tandem with other offenses
Felony Sentencing Guidelines

- Governed by Statute
- **Presumptive Probation**-with varying levels of supervision. Conditions often include mandated treatment & community service or jail time. Low-levels of supervision by parole and probation. Many are in this category.

- **County Jail**-may be ordered in lieu of probation for chronic offenders with a demonstrated past history of probation violations & treatment resistance.

- **Prison** is NOT an option for the PCS offender.
Effect of Felony Conviction

- Barrier to Employment
- Barrier to Housing
- Collateral Consequences: Prohibition on Firearm Possession, Military Ramifications for Service, Family Consequences, License Suspensions
The Numbers

- 2015- The Marion County DA’s Office filed 862 Felony PCS charges
- An additional 555 Felony PCS charges were not filed on first time offenders or those with only trace amounts of narcotics
Considerations for DA

- Accountability
- Community Safety—children, families always a priority
- Livability for Community Members
- Proper Stewardship Over Public Prosecutorial Resources
- Rehabilitation
Rehabilitation as a Consideration

- Statutory scheme for PCS charges is an attempt to address a PUBLIC HEALTH PROBLEM using the CRIMINAL JUSTICE SYSTEM.

- Effectiveness? Deterrence?
How Do We Address This?

- Utilize the criminal justice system as a *bridge* to treatment and rehabilitation rather than a *barrier* to productive lives.
TWO PART MODEL

- **Step I:**
  - Exercise the discretion of the DA to *shift* charging practice to misdemeanor-level charges for **NEW** offenders (early intervention)
  - File *all* legally-sound offenses
  - Offer diversionary probations with dismissal of charges available for successful completion
  - Maximize use of our successful treatment courts to assist probationers
TWO PART MODEL

- Step II:
  - Collaborative Effort for chronic, service-resistant addicts and offenders.
  - HARM REDUCTION
Harm Reduction

- Defined: reducing negative consequences associated with drug use for an entire community

- Incorporates a spectrum of strategies to meet drug users “where they’re at”.

-Harm Reduction Coalition
Implementing Harm Reduction

- No ‘one-size-fits-all’ model
- Requires community involvement
- Requires dollars
- Requires program management
The LEAD Example

- **Law Enforcement Assisted Diversion** (Seattle)
- Coordination between the Patrol Officer on the street and Case Managers
- Uses the *potential* of criminal charges to encourage treatment, housing, employment-make people better, healthier.
- DIFFICULT population. Must meet them “where they’re at”.
DA Role in the LEAD program

- DA agrees to forgo charges as long as offender *participates* in the program, effectively ‘skipping’ the criminal justice process.
- Relies on community policing efforts to reach correct population.
- Requires coordinated effort with case managers to navigate social services.
Next Steps

- Phase I—we are doing it
- Phase II—we can’t do it alone
- Law Enforcement support is there. Need dollars to make it work in practice.
- Help?
Questions?
Thank You

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