

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?

- ① 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

- ① **Defined: reducing negative consequences associated with drug use for an entire community**
- ① Incorporates a spectrum of strategies to meet drug users “where they’re at”.

-Harm Reduction Coalition

Implementing Harm Reduction

- ① No 'one-size-fits-all' model
- ① Requires community involvement
- ① Requires dollars
- ① 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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