

## **Example of Alternative Justice Programs Utilized in the State of Oregon**

The Multnomah County District Attorney's Office is proud to be among the leaders in Oregon when it comes to developing and implementing community engagement programs that highlight our continued commitment to a fair and just criminal justice system. Our programs are tailored to provide services and treatment that will assist victims of crime, help to reduce recidivism and when appropriate offer opportunities that will provide the community with offender accountability while also reducing the use of prison and jail beds. What follows are brief summaries of these programs:

### **START**

**S**uccess **T**hrough **A**ccountability, **R**estitution, and **T**reatment (START) is a drug treatment court for adults convicted of property offenses and who have an addiction to drugs and/or alcohol.

Participants attend substance abuse treatment, are supervised by an assigned probation officer, attend court regularly, and submit to random drug testing. START Court is the product of a collaborative effort of multiple agencies, including the Multnomah County District Attorney's Office, Multnomah County Circuit Court, Metropolitan Public Defender, Multnomah County Department of Community Justice, and the State of Oregon: Criminal Justice Commission.

### **STOP COURT**

Since 1991, the Multnomah County **S**anctions **T**reatment **O**pportunities **P**rogress (STOP) Drug Court has been available for most people that are charged in Multnomah County with a felony drug possession crime.

The objective for STOP Court is to significantly reduce drug abuse within the community.

Throughout the years, STOP Court has assisted in the reduction of harm from the use of controlled substances and a reduction in recidivism within the community.

We are further aware of the fact that a very significant disproportionate number of persons of color are being arrested and referred to, and inserted into, the criminal justice system for these offenses.

We endeavor to reduce the negative impact of criminal justice involvement and its associated collateral consequences and embrace a "treatment first" philosophy.

### **TREATMENT FIRST**

The Treatment First Program will be a partnership of the Multnomah County District Attorney's Office, the Multnomah County Circuit Court (MCCC), defense services (Metropolitan Public Defenders, Multnomah Defenders Inc. and others), the

Department of Community Justice (DCJ), local law enforcement and community treatment providers.

The Treatment First Program is dedicated to helping individuals break their drug dependent lifestyle, reuniting families, reducing the recidivism rate, and improving public safety in Multnomah County.

Core principles of the Treatment First Program approach include:

- The Treatment First team shall include the following roles/agencies: judge, prosecuting and defense attorneys, local law enforcement and treatment provider(s).
- Using a primarily non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
- Eligible participants are identified early and promptly placed into the Treatment First Program.
- Assessment for substance use disorders and other treatment needs shall be conducted by appropriately trained and qualified professional staff familiar with the harm reduction philosophy.
- Provide the correct treatment dosage to participants depending on risk/need level.
- Qualifying felony Possession of Controlled Substance offenses (we believe the vast majority of cases) will be immediately reduced to misdemeanor offenses and be eligible for the Treatment First Program. We endeavor to emphasize treatment over punitive sanctions. Successful completion of the Treatment First Program will result in dismissal, or reduction of the offense.
- An appropriate individualized treatment plan must be balanced with personal and social responsibility, accountability, and public safety.

### **DUII DIVERSION**

Eligible drivers may be able to avoid a criminal conviction for Driving Under the Influence of Intoxicants.

The Multnomah County District Attorney's Office DUII/Traffic Deputy screens, issues, and makes Diversion eligibility determinations (under ORS 813.200). Persons charged with DUII may be eligible for Diversion if they meet ALL of the following criteria:

- You have no pending charge of DUII (or its statutory counterpart in any jurisdiction) other than the charge for the present offense, on the date you file the petition for a DUII diversion agreement;
- You have not been convicted of an offense described in paragraph (1) within the period beginning 15 years before the date of the commission of the present offense and ending on the date you file the petition for a DUII diversion agreement;
- You have not been convicted of a felony DUII in Oregon or elsewhere.

- You are not participating in a DUII diversion program or in any similar alcohol or drug rehabilitation program, other than a program entered into as a result of the charge for the present offense, in this state or in any other jurisdiction on the date you file the petition for a DUII diversion agreement;
- You did not participate in a diversion or rehabilitation program described in paragraph (3), other than a program entered into as a result of the charge for the present offense, within the period beginning 15 years before the date of the commission of the present offense and ending on the date you file the petition for a DUII diversion agreement;
- You have no charge of an offense of aggravated vehicular homicide or of murder, manslaughter, criminally negligent homicide or assault that resulted from the operation of a motor vehicle pending in this state or in any other jurisdiction on the date you file the petition for a DUII diversion agreement;
- You have not been convicted of an offense described in paragraph (5) within the period beginning 15 years before the date of the commission of the present offense and ending on the date you file the petition for a DUII diversion agreement;
- You did not hold a commercial driver license (CDL) at the time of the offense;
- You were not operating a commercial motor vehicle at the time of the offense; and
- The present DUII offense did not involve an accident resulting in:
  - Death of any person; or
  - Physical injury to any person other than yourself.

### **DUII INTENSIVE SUPERVISION PROGRAM (DISP)**

The purpose of the DUII Intensive Supervision Program (DISP) is to help repeat DUII offenders establish and maintain a life that is free of alcohol and drug abuse for the duration of probation and beyond.

We believe that taking these steps will greatly improve the quality the offender's life, as well as the safety and security of our community.

DISP is a post-conviction, voluntary treatment court for repeat DUII offenders. We take a collaborative and holistic approach to solving the problems that contribute to creating and perpetuating the repeat DUII offender.

DISP combines the treatment court model and intensive supervision. DUII offenders are required to have frequent meetings with court-based case managers, electronic alcohol monitoring, frequent and random alcohol and drug testing, long term treatment with mental health components, and 12 step meeting attendance. Additional conditions of probation include payment of fees, fines and restitution, full time work, GED, ESL, social activity, honesty and driving only with the court's permission. These conditions, more often than not, lead to permanent changes in behavior.

## **LEAD® – LAW ENFORCEMENT ASSISTED DIVERSION**

In an effort to reduce future criminal behavior by people involved in low-level drug offenses and reduce the number of persons of color being arrested and referred to the criminal justice system, County and City leaders are launching an innovative pilot project called LEAD® or Law Enforcement Assisted Diversion.

LEAD® is a pre-booking diversion program that allows law enforcement to redirect low level offenders engaged in drug activity to services and resources specific to the needs of the individual instead of jail and prosecution.

Participants begin working immediately with case managers to access services.

LEAD® strives to reduce the harm a drug offender causes him or herself and to the surrounding community, reduce recidivism rates for low-level offenders and decrease the number of persons of color prosecuted for Possession of a Controlled Substance.

This new approach involves a coordinated effort between law enforcement agencies, services providers and community organizations working together in a partnership to reduce crime, injury and death.

## **MENTAL HEALTH COURT**

The Multnomah County Mental Health Court is a specialized treatment court, designed to reduce criminal activity committed by persons suffering from a qualifying mental health diagnosis. The court is a cooperative effort among multiple agencies, including the Multnomah County District Attorney's Office, Multnomah County Circuit Court, Multnomah County Mental Health Department, Metropolitan Public Defender, Multnomah County Department of Community Justice, and the Multnomah County Sheriff's Office.

Mental Health Court participants in Multnomah County are on probation; both supervised (formal probation) and unsupervised (bench probation). As a condition of the probation, defendants are offered an opportunity to participate in the Mental Health Court program. It takes a minimum of one year to complete Mental Health Court. Successful participants are often able to shorten the length of their probationary period.

## **COMMUNITY COURT**

The Community Court focuses on misdemeanor, quality of life crimes, such as theft, prostitution, drinking in public, and trespass. In return for a guilty plea, defendants receive a sentence that may include local community service and mandated social services.

Community Court is a court of accountability and rarely accepts no-contest pleas. Community Court reduces the number of cases on other criminal court dockets and saves costs for jail beds.

Most first-time cases at Community Court are dismissed after the defendant successfully completes their court-ordered community service and/or mandated social services. Some participants in Community Court perform community service, so their labor goes back into the community harmed by their conduct and criminal activity.

Other participants in Community Court complete mandated social services to address the issues that led to their criminal activity.

### **MCJRP – MULTNOMAH COUNTY JUSTICE REINVESTMENT PROGRAM**

The Multnomah County Justice Reinvestment Program establishes a process to assess offenders and provide a continuum of community-based sanctions, services and programs that are designed to reduce recidivism, decrease the county's utilization of imprisonment in Oregon Department of Corrections institutions while protecting public safety and holding offenders accountable.

### **JJRP - Juvenile Justice Reinvestment Program**

Beginning on June 8, 2016, the Multnomah County District Attorney's Office instituted a new procedure for handling juveniles charged with certain Measure 11 offenses. Whereas individuals ages 15 to 17 with a "Tier II" Measure 11 charge had previously been processed in adult court, this new policy provides the opportunity for these youth to have their cases resolved within the juvenile system.

Under the Juvenile Justice Reinvestment Program (JJRP), juveniles charged with Robbery II, Assault II, or Kidnapping II may be eligible for a juvenile resolution that avoids sentences to adult probation or to the Oregon Youth Authority (OYA).

### **Sex Buyers Accountability and Diversion Program and Diversion Program**

The first SBAD class was held in January 2011 to address adults purchasing sex in Multnomah County. All of the defendants who are allowed to enter the program have pleaded guilty. As part of their conditions, they are required to attend a full day class and pay a \$1,000 tuition fee. They will be required to take a pre and posttest about their knowledge on human sex trafficking. The test is anonymously filled out.

Presenters at the SBAD program include a nurse, representatives from the Sexual Assault Resource Center, Lifeworks NW, a survivor, a community member, a deputy district attorney and members from the Portland Police Bureau's Human Sex Trafficking Team.

During the program, attendees learn about health education, STDs and other health risks. They are told about the impact purchasing sex can have on our communities and individuals to include mental and physical health concerns and effects on relationships. The team of presenters go over relapse prevention tips and offer ideas and strategies to foster healthy relationships. Attendees are also warned about the legal consequences of continued illegal behavior.

## **LEGAL SERVICES DAY**

Legal Services Day is free and staffed by volunteers from many organizations. It is designed to help low income individuals among other things, apply for jobs, obtain housing, and secure or re-secure driving privileges. Once a participant gets his/her fines and fees resolved, they must contact the Oregon Driver & Motor Vehicle Services (DMV) to get driving privileges reinstated. Another unique feature of Legal Services Day is for community members to see if they are eligible for expungement of old cases.

Since establishment in June 2017, more than \$1.5 million in court fines and fees have been waived in exchange for 20,603 hours of community service.

Legal Services Day is also an opportunity for some people, if qualified, to seek a closed felony case to be reduced to a misdemeanor. There are certain requirements: The closed felony case can only be a Class C felony; the individual must have successfully completed their probation; fines and fees must be paid in full (or exchanged for community service/treatment); and receive approval from the Multnomah County District Attorney's Office.

Legal Services Day is a collaborative effort between the Multnomah County District Attorney's Office, Metropolitan Public Defender, Multnomah County Circuit Court staff and the Rosewood Initiative, which graciously hosts the event.

## **DEFERRED SENTENCING PROGRAM (DSP)**

This program supervises first-time domestic violence offenders who plead guilty, or no contest, and their sentences have been deferred by the court to complete a 14-month program instead of formal probation. If an offender successfully completes all requirements of DSP, including Domestic Violence Intervention Counseling (DVIC), the case is dismissed.

DSP refers DV defendants to intervention services for batterers, which helps prevent their behavior from escalating into further contacts with law enforcement and subsequent stays in costly jails. Reducing domestic violence is a priority for Multnomah County. This program increases public safety by holding individuals accountable, promoting victim safety and building strong collaborative efforts with community partners. This program utilizes evidence-based practices including specialized assessment tools and cognitive behavioral intervention programming. Case management strategies provide individuals the opportunity to change by addressing factors which research has shown to reduce criminal behavior