


DEFINING A FRONT-END DIVERSION INTERVENTION

Safety and Justice Challenge Convening

San Diego, California
May 8, 2019



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Workshop Overview

- Framing of the workshop
- Deschutes County Clean Slate presentation
 - Kathleen Meehan Coop, Deschutes County District Attorney's Office
- Summit County Felony Summons presentation
 - Gert Wilms, Akron Chief City Prosecutor
- Group Facilitated Activity: Thinking through a diversion option



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SUMMIT COUNTY, OHIO FELONY SUMMONS



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Felony Summons Program Summit County, Ohio




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Issues – Resulting in Felony Summons Program


- Recession
- State of Ohio cut local government funding
- Summit County Sheriff budget cuts
 - Jail staffing levels
 - Jail pod closed
 - Jail overcrowding issues

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Authority – Felony Summons Program

- Ohio Criminal Rule 4
 - In misdemeanor cases where a law enforcement officer can arrest without a warrant, the officer may issue a summons in lieu of arrest when the issuance of a summons appears reasonably calculated to ensure the defendant's appearance.
- Ohio Criminal Rule 9
 - Summons may be issued "instead of a warrant upon the request of the prosecuting attorney or by direction of the court."
 - Summons shall order the defendant to appear before the court at a stated time and place and inform him that he may be arrested if he fails to appear at the time and place stated in the summons

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Considerations – Felony Summons

1. The level of offense charged and the nature and the circumstances of the crime.
2. Whether defendant used or had access to a weapon.
3. Confirmation of the defendant's identity.
4. Defendant's family ties, employment, financial resources, character, mental condition, length of residence in the community, jurisdiction of residence, and prior criminal history.
5. Whether the defendant is on probation, a community control sanction, parole, post release control, bail or under a court protection order



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Criteria – Felony Summons

Arrest is presumed necessary for:

1. Felony Offense of Violence
2. Felony Weapon Offense
3. Drug Trafficking
4. Felony of the 1st, 2nd or 3rd degree
5. Any offense which law enforcement is the victim
6. Misdemeanor Offense of Domestic Violence, Violation of a Protection Order, Menacing by Stalking



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Criteria – Felony Summons

- A law enforcement officer who believes an arrest is necessary outside of this guideline should contact a police legal advisor to obtain authorization.



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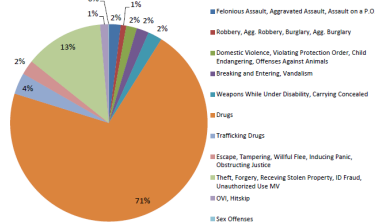
Stakeholders – Felony Summons Program

- Administration
 - County Executive
 - Mayor
- Prosecutor
 - County
 - Municipal
- Law enforcement
- Court
 - Bailiff
 - Judge
 - Pretrial/Probation
- Sheriff - booking requirement



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Statistics – Charge



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Attributes and Outcomes

- 1,531 summonses issued
 - 67% appearance rate
- Gender of population issued a summons
 - 64% male
 - 36% female
- Race/ethnicity
 - 68% white
 - 31% African-American



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Challenges – Regarding Felony Summons

- Demographic concerns
- Following criteria
- Appearance rate
- Countywide use of felony summons
- Common pleas judges



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DESCHUTES COUNTY, OREGON GOLDILOCKS



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DeschutesSafe

- Launched June 2015
- Community Advisory Group
- Analyzed Data



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Community Advisory Board Members

- Sheriff
- Police Chiefs
- Mayors
- Parole & Probation
- Non-profits
- Local Business Owners
- Youth
- Defense Attorneys
- Community Members
- Higher Education
- K-12 School District
- Social Service Programs

31 Total Members



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Data Analysis: Total Court Filings

Crime Type	2009	2010	2011	2012	2013	2014	2015	Total
Assault	94	114	108	97	120	131	103	767
DUII	1297	1011	887	956	965	814	792	6722
Drug	417	424	493	542	686	802	897	4261
Sexual Assault	75	82	47	51	59	71	55	440
Theft	769	687	762	795	964	894	833	5704
Total	2652	2318	2297	2441	2794	2712	2680	17894



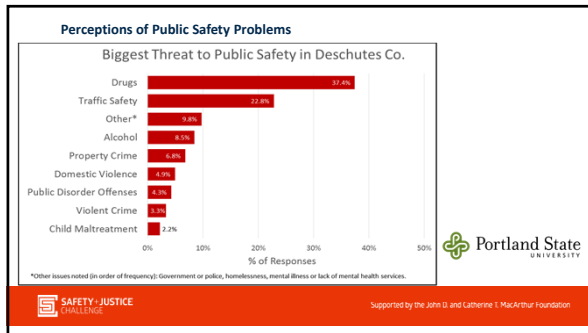
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Recidivism Rate by Crime Type

# of Subsequent Crimes	Frequency				
	Assault	Drug	DUII	Sexual Assault	Theft
0	699	2344	5954	396	3387
1	56	885	734	47	976
2	12	493	61	0	527
3		289	20	4	342
4		162			153
5		74			122
6		35			77
7		24			40
8		18			36
9					20
11					24
Proportion that Recidivate	9%	46%	12%	11%	41%



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Goldilocks Tiers

- **Clean Slate (Divert)**
 - PCS Offenses only
 - Medical model over criminal justice model (harm reduction)
- **Boost (Traditional)**
 - Low level distribution/manufacturing cases & failed Clean Slate
 - Traditional prosecution/drug court
- **Deter (Enhanced Prosecution)**
 - Distribution and manufacturing cases – Commercial Offenses
 - Enhanced prosecution – federal charges, racketeering

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Project Funding

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CENTRAL OREGON
INDEPENDENT PRACTICE ASSOCIATION

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Clean Slate Process

- **Entry** - Law Enforcement cites and provides CS card
- **Clean Slate Orientation Meeting**
 - Meet with DA, Defense Counsel, SUD Counselor
 - Medical appointments are booked
- **Level I** – case dismissed
- **Level II** – case held for 12 months, dismissed if participant:
 1. Attends first medical appointment
 2. Does not reoffend and complies with care recommendations for 12 months



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Program Numbers

(November 17, 2017 – April 30, 2019)

- 517 Eligible Individuals
- 194 Clean Slate Participants
 - 38% participation rate
- **Participant Levels**
 - 37% Level I (medical appointment offered, not required)
 - 63% Level II (medical appointment required)



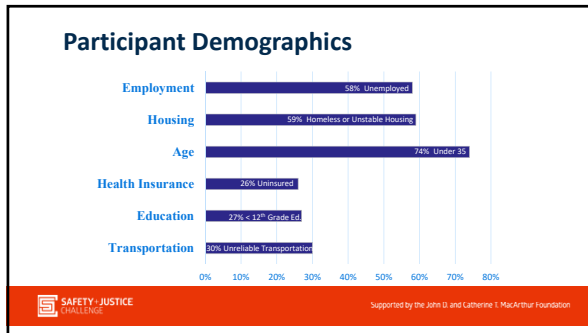
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Program Performance Measures

	Level I	Level II
Entered Program	72	122
Remain Active	38	59
Confirmed Graduates	19	2
Missed First or Last Medical Appointment	n/a	21
Rearrested	14	34



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Program Health Care Impact

- Medicaid (OHP)
 - 48% of participants were already enrolled in Medicaid
 - 23% received an OHP enrollment appointment.
- 42% of Level I participants requested and were scheduled a medical appointment.
- 75% of Level II participants attended their initial PCP appointment.

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Initial Program Lessons

Benefits

- A clean slate
- Patient centered primary care
- Personal attention/someone cares
- Positive law enforcement interactions
- Program meeting not held in government office

Challenges

- Inaccurate telephone numbers/disconnected phones
- Time to doctor appointments continues to increase
- Acquiring Level II substantial compliance forms
- Law Enforcement handing out Clean Slate cards
- Data management

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Presenters

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