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TREATMENT FIRST PROGRAM

1. MISSION & PURPOSE

Since 1991, the Multnomah County Sanctions Treatment Opportunities Progress (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.

With the passage of HB 3194 during the 2013 Oregon Legislative session, the Criminal Justice Commission (CJC) was charged with developing evidence-based standards and best practices to be applied to specialty courts. Many of its suggested standards are in conflict with STOP Court's current practice: STOP Court does not use standardized, objective, validated risk and need screening and assessment tools to assess the risk and need of the potential adult drug court candidate¹, nor does it target individuals classified as moderate to high risk and high need². The agencies that collaboratively implement STOP Court acknowledges the need to adjust the way we approach treatment and dosage for individual offenders based on risk and need, in addition to other factors. To that end, the Treatment First Program concept will involve the use of a validated risk and needs assessment tool and, because the Treatment First Program will serve a mixed population of low risk/need and moderate to high risk/need offenders, the program will provide separate tracks and separate group treatment services to ensure low risk offenders are not attending group sessions with moderate and high risk offenders and that their specific needs are met. Defendants with low risk and low needs will be assigned a Community Court treatment and supervision track. The Treatment First model reserves the STOP Court for the highest need, highest risk individuals while creating alternative tracks that match program design to offender needs and profiles. By creating multiple treatment tracks besides

¹ 3-4: "Adult drug courts shall use standardized, objective, validated risk and need screening and assessment tools to assess the risk and need of the potential adult drug court candidate (e.g., LSI-R, LS-CMI, PSC, etc.). Screening and assessment results should be used for both program eligibility and to determine level and type of care and supervision. Adult drug courts shall use validated clinical assessments for service planning, to address treatment and complementary service needs. When working with members of historically disadvantaged groups, programs have a responsibility to use tools validated for those members, where available."

² 3-3: "Adult drug courts should target individuals classified as moderate to high risk and high need. Adult drug courts choosing to serve low risk low need individuals, as a small percentage of the overall participants population, should develop separate service tracks or "phase" requirements for the low risk low need offenders so that services for participants are appropriate for their assessed need and risk level."

the STOP Court, the county is able to provide an appropriate system response to offenders who are non-addicted and/or low risk. Finally, the Treatment First Program is intended to replace the Expedited Plea Docket (X-Plea) in Justice Center Room 2 (JC2) for possession cases.

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.

The Treatment First Program will be a partnership of the Multnomah County District Attorney’s Office (MCDA), 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.

The Treatment First Program will involve significant data collection and outcomes research. Participant data will be monitored and analyzed on a regular basis to determine the effectiveness of the program. Monitoring may include comparing historically disadvantaged groups to the other participants, to identify—and work to address—any areas of inequity in program access, treatment, responses to behavior, and dispositions.

2. CORE PRINCIPLES

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.

3. CHARGING DECISION PROCESS

A. TIER 1 OFFENSES:

When sufficient evidence exists to initiate prosecution, all **felony Possession of Controlled Substance offenses will be immediately reduced to misdemeanor offenses** and be eligible for the Treatment First Program as a Tier I offense unless one of the following conditions exist:

1. The charge is a Commercial Drug Offense or the amount of controlled substance recovered is a Substantial Quantity of controlled substance (See 475.900(2)(b));
2. The defendant has a pending person felony or faces charges involving a crime constituting domestic violence or firearms related offense;
3. The defendant has had three (3) or more previous drug cases in the Treatment First Program;
4. The defendant is charged in the same charging instrument with another felony offense, other than Possession of a Controlled Substance;
5. The defendant is currently on supervision for a sex offense per ORS 163A.005; or
6. In the discretion of the District Attorney, the First Assistant to the District Attorney, or a Chief Deputy, misdemeanor treatment would not be appropriate given the particular circumstances of the defendant.

Any drug possession charge that involves residual amounts of drugs will continue to be reviewed by the Intake Unit or the Neighborhood Prosecution Unit and will be issued as Tier 1 eligible. All field tested (NIK tested) Possession of a Controlled Substance offenses or felony drug possession offenses that involve a readily identifiable prescription drug shall be reviewed by a Unit B (Drug Unit) DDA.

B. TIER 2 OFFENSES:

All **Possession of a Controlled Substance offenses involving Substantial Quantities** (See 475.900(2)(b)) shall be prosecuted as a felony offense and made eligible for the Treatment First Program, unless one of the following conditions exist:

1. The defendant has a pending person felony or faces charges involving a crime constituting domestic violence or firearms related offense;
2. The defendant's Sentencing Guidelines Grid score is a 6- (A, B, C, or D), 8 (A-I), 9 (A-I), 10 (A-I);
3. The defendant is charged in the same charging instrument with another felony offense, other than Possession of a Controlled Substance;
4. The defendant is currently on supervision for a sex offense per ORS 163A.005; or
5. In the discretion of the District Attorney, the First Assistant to the District Attorney, or a Chief Deputy, the Treatment First Program would not be appropriate given the particular circumstances of the defendant.

4. CASE PROCESS/TERMS OF INVOLVEMENT

The MCDA determines a defendant's eligibility upon the initial review of police reports and informs the defendant and court at the time of arraignment. TFP Eligibility will be indicated on the charging instrument caption. To be eligible, the defendant must fall into a Tier I or Tier II offense category. Examples of controlled substances eligible for the Treatment First Program include Heroin, Methamphetamine, Cocaine, Oxycodone, 3,4-Methylenedioxymethamphetamine (Ecstasy) and hallucinogenic mushrooms. This list is not exhaustive.

Upon arraignment on the District Attorney's Information, the defendant will be informed of the treatment first program, provided the entry form for them to review and the defendant shall be given a TFP court date for Tier 1 and AM call date for Tier 2. At the same hearing the court will assign an assessment date before the TFP date if Tier 1 and call date if Tier 2. If a TIER 2 defendant wishes to enter the program the defense attorney should contact the TFP court and get a date set on that docket. The defendant will be given a Level of Service Case Management Inventory (LS/CMI) and Assess An Individual (AAI) risk assessment interview with the Department of Community Justice (DCJ). The risk/needs evaluation will be provided to the court, defense and prosecution before the TFP court date and will inform professional judgment as it relates to treatment.

To elect the Treatment First Program, the defendant must enter a conditional discharge plea, which means that a person must plead guilty, or no contest, but is not found guilty by the judge during the course of treatment. The entry form will be available and the defendant will sign and agree to the terms of Treatment First. Treatment lasts for a set amount of time. Progress is monitored by the Treatment First Program drug team, which consists of a judge, defense counsel, a deputy district attorney and the treatment program liaison. The drug court team utilizes a collaborative approach and monitors the progress of each defendant.

As part of participation in the Treatment First Program the defendant must agree to, and the court shall impose, the following condition: For the period of probation in this case, the defendant shall not possess any firearms or ammunition. Further, the defendant must also agree to, and the court shall order, that the defendant shall not possess any firearms or ammunition for a period of 3 years following the imposition of the sentence of discharge in this case. The defendant will be subject to contempt of court proceedings if the defendant disobeys that order. The defendant stipulates that the court has the inherent authority to impose contempt sanctions. The defendant further stipulates that in consideration of the state allowing for the termination or conclusion of the case that the court maintains jurisdiction as to the enforcement of the firearms prohibition and if the defendant is found in contempt there is an agreement that a stipulated sentencing agreement, judgment, or finding of contempt shall issue.

At each court appearance, the drug court team reviews a report with the defendant. Depending on the risk and need of each defendant—along with other factors that inform professional judgement, such as accountability, victim input/impact (if applicable), and the nature of the underlying offense—

the report may cover treatment progress, attendance, group participation, attitude, urinalysis (U/A) results, and other relevant factors. Successful completion of the defendant's individualized treatment plan will result in a reduction or dismissal (depending on the Tier) upon graduation from the Treatment First Program. Failure of the treatment plan will result in conviction of the charge(s).

5. FAILURE TO APPEAR/BENCH WARRANTS

If the defendant fails to appear at arraignment, or any other hearing, a bench warrant will be issued. When taken into custody the court will schedule an assessment and release the defendant for the Multnomah County DCJ to do an assessment if still needed. If the defendant FTAs a total of 3 times on all open TFP cases the defendant will be held in custody and be given a TFP court date the first Friday following arrest for entry into the program. If the defendant enters the program he will be released to initiate drug treatment. If the defendant declines to enter the program the TFP judge will make a release decision, or set a release hearing, and assign a trial readiness date.

If the defendant fails to appear after entering the TFP, a bench warrant will be issued and sanctions will be addressed by the court.

6. HOLDS AT THE TIME OF ARRAIGNMENT

Out of County/State Holds -If at the time of arraignment on a TFP eligible case, the defendant has an out of county hold, the court will release the defendant and set a hearing in the TFP court. Before the TFP court date the district attorney's office and the defense attorney will communicate and investigate the nature of the hold, consider likely outcomes and possibly seek a global resolution offer consistent with the nature of the hold.

Local Holds - If the hold is a Multnomah County hold, the state will agree to release to the hold and the court will set a TFP court date. At the TFP court date the district attorney's office, Department of Community Justice and the defense will report as to the nature of the hold and the action regarding the Treatment First case.

District Attorney Dismissal- A defendant that is on formal probation for a felony offense in another jurisdiction, or participating in another jurisdiction's drug treatment court, may be eligible for a dismissal of the charge without entering the Treatment First Program (TFP). To qualify for possible dismissal without entry into TFP the defendant will have to agree to sign the stipulation of guilt document and demonstrate that they are actively engaged in a comparable treatment program. The ultimate decision to dismiss the case will be made by the Multnomah County District Attorney based on the individual's particular circumstances. After the dismissal of the case the Multnomah County Department of Community Justice will forward the stipulation of guilt document to the appropriate supervising agency.

7. CASE DISPOSITION/RESOLUTION

A. Tier I: Plea Offer

Each Tier I defendant eligible for the Treatment First Program will plea to the underlying possession of a controlled substance charge under ORS 475.245. The defendant will plea guilty or no contest to the charge and with the consent of the district attorney's office and the defendant, they will be placed on probation. If successful, the defendant's case will be dismissed. If the defendant does not complete the required treatment program or abide by conditions of probation, the defendant will be convicted and will be terminated and sentenced.

The case DDA or Treatment First Program DDA will negotiate all other non-drug misdemeanor charges present on the charging instrument. Unless approved by a unit supervisor or Chief Deputy, the following offenses will not be offered dismissals at part of the Treatment First Program:

1. *Class A Person Crimes, as defined by Oregon Administrative Rule 213-003-001(15);*
2. *Driving Under the Influence of Intoxicants;*
3. *Indecent Exposure if the underlying facts are sexual in nature;*
4. *Any offense involving a firearm; or*
5. *Any charge involving restitution without victim input and appropriate satisfaction related to the restitution obligation and amount.*
6. *Theft 2, Criminal Possession of a Forged Instrument, Criminal Mischief 2 or Forgery in the Second Degree.*

If the defendant does not enter a change of plea, the case is given Trial Readiness dates and set on the misdemeanor trial docket. The state may also elect to submit the matter to the grand jury or set a preliminary hearing for felony consideration. The defendant is not eligible for a dismissal. If convicted at trial the defendant will be ordered to participate in the TFP and no straight time jail offers will be given.

The defendant will have been assessed using the LS/CMI and AAI assessment tools. They will be used as decision support tools to match offenders to the optimal level of supervision and treatment.

1. **Participant timeframe: All probations are indefinite until the person is discharged and the case is dismissed by the court pursuant to ORS 475.245(4). Below time periods are only advisory.**
 - a. If the defendant is **high risk/high need** on the risk needs assessment, the defendant is given a STOP Court date for entry into the program. InAct will case manage STOP Court participants. In exceptional circumstances if the defendant does not enter STOP Court, he/she will be ordered to do a drug and alcohol evaluation and placed on 18 months of ORS 475.245 DCJ active probation. The defendant must follow through on whatever

treatment is recommended by DCJ and/or InAct. The treatment focus for these individuals is accountability, treatment and habilitation.

- b. If the defendant is **high risk/low need** on the risk and needs assessment, the defendant will be ordered to do a drug and alcohol evaluation and treatment if recommended and placed on 18 months of ORS 475.245 DCJ active probation. The treatment focus for these individuals is accountability and pro-social and adaptive habilitation. There will be the possibility of early termination of probation if the defendant is compliant after 9 months. The Department of Community Justice (DCJ) will run the defendant's criminal history and establish other protocols to verify that the defendant is eligible for an early termination. DCJ will also give notice to the parties regarding their intent to proceed to early termination of probation. The case will be dismissed if there are no new arrests or objections from the parties. The treatment focus for these individuals is treatment and habilitation.
- c. If the defendant is **low risk/high need** on the risk needs assessment, the defendant will be ordered to do a drug and alcohol evaluation and treatment if recommended and placed on 18 months of ORS 475.245 probation. There will be the possibility of early termination of probation if the defendant is compliant after 9 months. The Department of Community Justice (DCJ) will run the defendant's criminal history and establish other protocols to verify that the defendant is eligible for an early termination. DCJ will also give notice to the parties regarding their intent to proceed to an early termination. The case will be dismissed if there are no new arrests or objections from the parties. The treatment focus for these individuals is treatment and habilitation.
- d. If the defendant is **low risk/low need** on the risk needs assessment, pursuant to ORS 475.245, the defendant will be placed on 12 months of ORS 475.245 probation. There will be the possibility of early termination of probation if the defendant is compliant after 6 months. The Department of Community Justice (DCJ) will run the defendant's criminal history and establish other protocols to verify that the defendant is eligible for an early termination. DCJ will also give notice to the parties regarding their intent to proceed to an early termination. The case will be dismissed if there are no new arrests or objections from the parties. The treatment focus for these individuals is prevention and harm reduction.

Risk & Needs Matrix		
	High Risk	Low Risk
High Needs	Accountability, Treatment & Habilitation	Treatment & Habilitation
Low Needs	Accountability & Habilitation	Prevention

B. Tier 1: Post-plea

- 1. Motion to Dismiss Charge(s):** At any time after the conclusion of the period of a supervision consistent with the Treatment First Program agreement and order, a defendant who has fully complied with and performed the conditions may move to have the charge/s dismissed with the approval of the district attorney’s office and the Department of Community Justice.
- 2. Revocation/Termination and Sentencing:** The court will terminate the defendant’s participation in TFP and enter a finding of guilty if the defendant fails to appear at a hearing on the order to show cause, defendant fails to appear at a STOP court appearance or if the court finds that the defendant failed to fulfill all of the terms of the TFP agreement and order. The defendant will be sentenced pursuant to the TFP agreement and order.

C. Tier II: Plea Offer

Each Tier II defendant eligible for the Treatment First Program will plead guilty to the underlying drug possession offense under ORS 475.245. The defendant will plea guilty or no contest to the charge and with the consent of the district attorney’s office and the defendant, they will be placed on probation. If successful, the defendant’s case will be reduced to a misdemeanor. If the defendant does not complete the required treatment program or abide by conditions of probation, the defendant will be convicted of the underlying felony and will be terminated and sentenced.

If the defendant declines the Treatment First Program the case is given AM call dates. The defendant

is not eligible for a charge reduction to a misdemeanor. If convicted at trial the defendant will be ordered to participate in the TFP and no straight time jail offers will be given.

1. Participant timeframe: Same as Tier 1

D. Tier II: Post-plea

1. **Motion to Reduce Charge(s):** At any time after the conclusion of the period of a supervision consistent with the Treatment First Program agreement and order, a defendant who has fully complied with and performed the conditions may move to have the charge/s reduced to a misdemeanor with the approval of the district attorney's office and the Department of Community Justice.
2. **Revocation/Termination and Sentencing:** The court will terminate the defendant's participation in TFP and enter a finding of guilty if the defendant fails to appear at a hearing on the order to show cause, defendant fails to appear at a STOP court appearance or if the court finds that the defendant failed to fulfill all of the terms of the TFP agreement and order. The defendant will be sentenced pursuant to the TFP agreement and order.

8. TRIAL

If the defendant does not enter into TFP at the Justice Center, the court will assign a Tier I case to misdemeanor district court and will assign it a trial readiness date consistent with other misdemeanor cases. The Court will assign Tier II cases to AM call for trial. If convicted the defendant will be ordered to participate in the TFP. (See attachment #2 TFP Judgment)

9. TREATMENT FIRST PROGRAM REVOCATION/TERMINATION

By stipulation, the defendant agrees that if revoked, he/she will receive a jail sentence and stipulate under ORS 423.478 and all other applicable Oregon statutes that he/she will not receive credit for time served, 936 or any other credits upon revocation. In addition, the defendant agrees that they may receive the maximum allowed by law.

TIER 1 Revoke/Termination Presumptive 30 - 45 Days w/no credit for time served or any other credits including 936 pursuant to stipulation.
TIER 2 Revoke/Termination Presumptive 45 - 60 Days w/no credit for time served or any other

credits including 936 pursuant to stipulation.

The presumptive revocation/termination sentence listed above may be increased or reduced based on aggravating or mitigating factors found by the court and put on the record. These factors include, but are not limited to;

- Efforts in treatment;
- Length of sobriety;
- Mental health;
- Criminal history considerations;
- Probation Violations;
- New arrests;
- Length of supervision completed;
- Supervision compliance;
- Feedback from treatment provider;
- Probation recommendation;
- Failure to appear history;
- Credit, including CTS if appropriate

OAR DEFINITIONS

"Person felonies" are in numerical statutory order: ORS 97.981 Purchase or Sale of a Body Part for Transplantation or Therapy; ORS 97.982 Alteration of a Document of Gift; ORS 162.165 Escape I; ORS 162.185 Supplying Contraband as defined in Crime Categories 6 and 7 (OAR 213-018-0070(1) and (2)); ORS 163.095 Aggravated Murder; ORS 163.115 Murder; ORS 163.115 Felony Murder; ORS 163.118 Manslaughter I; ORS 163.125 Manslaughter II; ORS 163.145 Negligent Homicide; ORS 163.149 Aggravated Vehicular Homicide; ORS 163.160(3) Felony Assault; ORS 163.165 Assault III; ORS 163.175 Assault II; ORS 163.185 Assault I; ORS 163.187(4) Felony Strangulation; ORS 163.192 Endangering Person Protected by FAPA Order; ORS 163.196 Aggravated Driving While Suspended or Revoked; ORS 163.205 Criminal Mistreatment I; ORS 163.207 Female Genital Mutilation; ORS 163.208 Assaulting a Public Safety Officer; ORS 163.213 Use of Stun Gun, Tear Gas, Mace I; ORS 163.225 Kidnapping II; ORS 163.235 Kidnapping I; ORS 163.263 Subjecting Another Person to Involuntary Servitude II; ORS 163.264 Subjecting Another Person to Involuntary Servitude I; ORS 163.266 Trafficking in Persons; ORS 163.275 Coercion as defined in Crime Category 7 (OAR 213-018-0035(1)); ORS 163.355 Rape III; ORS 163.365 Rape II; ORS 163.375 Rape I; ORS 163.385 Sodomy III; ORS 163.395 Sodomy II; ORS 163.405 Sodomy I; ORS 163.408 Sexual Penetration II; ORS 163.411 Sexual Penetration I; ORS 163.413 Purchasing Sex With a Minor; ORS 163.425 Sexual Abuse II; ORS 163.427 Sexual Abuse I; ORS 163.432 Online Sexual Corruption of a Child II; ORS 163.433 Online Sexual Corruption of a Child I; ORS 163.452 Custodial Sexual Misconduct in the First Degree; ORS 163.465 Felony Public Indecency; ORS 163.472 Unlawful Dissemination of Intimate Image; ORS 163.479 Unlawful Contact with a Child; ORS 163.525 Incest; ORS 163.535 Abandon Child; ORS 163.537 Buying/Selling Custody of a Minor; ORS 163.547 Child Neglect I; ORS 163.670 Using Child In Display of Sexual Conduct; ORS 163.684 Encouraging Child Sex Abuse I; ORS 163.686 Encouraging Child Sex Abuse II; ORS 163.688, Possession of Material

Depicting Sexually Explicit Conduct of Child I; ORS 163.689, Possession of Material Depicting Sexually Explicit Conduct of Child II; ORS 163.701 Invasion of Personal Privacy I; ORS 163.732 Stalking; ORS 163.750 Violation of Court's Stalking Order; ORS 164.075 Theft by Extortion as defined in Crime Category 7 (OAR 213-018-0075(1)); ORS 164.225 Burglary I as defined in Crime Categories 8 and 9 (OAR 213-018-0025(1) and (2)); ORS 164.325 Arson I; ORS 164.377(2)(c) Computer Crime—Theft of an Intimate Image; ORS 164.395 Robbery III; ORS 164.405 Robbery II; ORS 164.415 Robbery I; ORS 164.886(3) Tree Spiking (Injury); ORS 166.070 Aggravated Harassment; ORS 166.087 Abuse of Corpse I; ORS 166.165 Intimidation I; ORS 166.220 Unlawful Use of a Weapon; ORS 166.275 Inmate In Possession of Weapon; ORS 166.385(3) Felony Possession of a Hoax Destructive Device; ORS 166.643 Unlawful Possession of Soft Body Armor as defined in Crime Category 6 (OAR 213-018-0090(1)); ORS 167.012 Promoting Prostitution; ORS 167.017 Compelling Prostitution; ORS 167.057 Luring a Minor; ORS 167.320(4) Felony Animal Abuse I; ORS 167.322 Aggravated Animal Abuse I; ORS 468.951 Environmental Endangerment; ORS 475.752(6)(a) Manufacturing or Delivering a Schedule IV Controlled Substance Thereby Causing Death to a Person; ORS 475.908 Causing Another to Ingest a Controlled Substance as defined in Crime Categories 8 and 9 (OAR 213-019-0007 and 0008); ORS 475.910 Unlawful Administration of a Controlled Substance as defined in Crime Categories 5, 8, and 9 (OAR 213-019-0007, -0008, and -0011); ORS 609.990(3)(b) Maintaining Dangerous Dog; ORS 811.705 Hit and Run Vehicle (Injury); ORS 813.010(5) Felony Driving Under the Influence of Intoxicants (as provided in OAR 213-004-0009); ORS 830.475(2) Hit and Run Boat; and attempts or solicitations to commit any Class A or Class B person felonies as defined herein.

"Person Class A misdemeanors" are in numerical statutory order: ORS 162.315 Resisting Arrest; ORS 163.160 Assault IV; ORS 163.187 Strangulation; ORS 163.190 Menacing; ORS 163.195 Recklessly Endanger Another; ORS 163.200 Criminal Mistreatment II; ORS 163.212 Use of Stun Gun, Tear Gas, Mace II; ORS 163.415 Sexual Abuse III; ORS 163.454 Custodial Sexual Misconduct in the Second Degree; ORS 163.465 Public Indecency; ORS 163.467 Private Indecency; ORS 163.472 Unlawful Dissemination of Intimate Image; ORS 163.476 Unlawfully Being in a Location Where Children Regularly Congregate; ORS 163.545 Child Neglect II; ORS 163.575 Endanger Welfare of Minor; ORS 163.687 Encouraging Child Sex Abuse III; ORS 163.700 Invasion of Personal Privacy II; ORS 163.709 Unlawfully Directing a Laser Pointer; ORS 163.732(1) Stalking; ORS 163.750(1) Violating Court's Stalking Order; ORS 165.572 Interfering with Making a Police Report; ORS 166.065(4) Harassment/Offensive Sexual Contact; ORS 166.155 Intimidation II; ORS 166.385(2) Misdemeanor Possession of a Hoax Destructive Device; ORS 167.054 Furnishing Sexually Explicit Material to a Child; ORS 475.910(1)(d) Unlawful Administration of a Controlled Substance; ORS 609.990(3)(a) Maintaining Dangerous Dog; ORS 813.010, Driving Under the Influence of Intoxicants (as provided in OAR 213-004-0009); and attempts or solicitations to commit any Class C person felonies as defined in section (14) of this rule.

Program Evaluation (Attachment #1)

The effectiveness of the Treatment First Program (TF) will be determined through examination of outcomes such as recidivism, participants' reduction in use of controlled substances, and reduction in the number of individuals with multiple PCS arrests. In addition, the DA's Office wishes to use the program to endeavor to help reduce racial and ethnic disparities in drug possession prosecutions and associated negative collateral consequences. Finally, the office is interested in monitoring outputs that will evaluate successful program implementation and smooth program operation (See Treatment First logic model and evaluation plan).

Based on a study of PCS cases from 2015 there may be as many as 2000 candidates for the TF, enough data points to drive inferential statistics about the program. Ethical and other considerations may impact the development of a true randomized control group from the ranks of PCS defendants who desire treatment. Nevertheless, comparison groups should be generated through other means. Participants generate their own comparison group when behavior from the immediate past ("Time 1") is compared to their present behavior in TF ("Time 2"). As the details of the program are fleshed out, there may be other opportunities to generate comparison groups from different geographies or from those who opt out of the program.

Outputs will include number of cases received from police, the number of program-eligible defendants, the number of defendants who choose TF, those who show up for their intake assessment within 5 days, and ultimately the kind of services utilized. Finally, service providers and participants will be given an opportunity to provide their own narrative reactions to questions of program effectiveness.

It is likely that research program such as the Portland State University Department of Criminology and Criminal Justice faculty will be consulted and participate at some level in the TF evaluation research, alongside internal evaluation personnel.