

S. T. O. P

SANCTION - TREATMENT - OPPORTUNITY - PROGRESS

An early drug intervention and case management program

Managed by the Circuit Court, District Attorney
and Public Defender Offices of Multnomah County

August 1991 - January 1993

18 months of progress and change

For Information of S.T.O.P. Contact:
S.T.O.P. Court
Circuit Judge Harl Haas
Multnomah County Courthouse
1021 SW 4th Avenue, Room 512
Portland, OR 97204

3-21-94

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MPL-7-28-91

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**U.S. Department of Justice
National Institute of Justice**

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S.T.O.P. Court
Multnomah County Courthouse

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A C K N O W L E D G M E N T:

District Attorney Mike Schrunk, Public Defender Jim Hennings, Valerie Moore of InAct, Tamara Holden of Multnomah County Department of Community Corrections and Judge Haas make up the managers of this innovative program. The cooperation, support and leadership has been outstanding.

We wish to thank Presiding Judge Don Londer for his firm support of us in the difficult first year of S.T.O.P. Court Administrator Doug Bray, staff and Neal Japport helped immensely in the day to day operations.

The daily court operation would not have been successful without the highly professional performance of the Public Defender's staff: Leslie Nelson, Robert Williams, Michael McShane, Paul Levy and the District Attorney's staff: Downing Bethune, Tad Everhart and Dan Kelley. We wish to express our thanks and appreciation to the Court staff who dedicate their efforts: Jill Harbin, Sonja Lockhart, Nancy Haslam and Rick Wesenberg.

Cary Harkaway, Frank Grace, John Turner and Tichenor McBride, Multnomah County Department of Community Corrections, have provided important assistance in client tracking and in the development of our computer program.

Valerie Moore's staff including Scot Group, Cathy Calvin and Ellen Shefi are the leaders of InAct's treatment program which is the bottom line for S.T.O.P.

A \$300,000 grant from the U.S. Department of Justice Drug Control and System Improvement Formula Grant Program paid 75% of the cost of this project in 1992-93.

The opinions, findings, and conclusions or recommendations expressed in this publication or program are those of the authors and do not necessarily reflect the views of the Department of Justice.



MICHAEL D. SCHRUNK, District Attorney for Multnomah County
600 County Courthouse • Portland, Oregon 97204 • (503) 248-3162

March 11, 1993

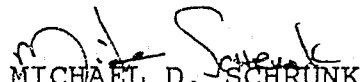
The Honorable Harl H. Haas
Multnomah County Circuit Court
1021 SW 4th Avenue, Room 512
Portland, OR 97204

Dear Judge Haas:

I am pleased that through the combined efforts of the Circuit Court, the Public Defender's Office, InAct, the Multnomah County Department of Community Corrections and the District Attorney's Office we have been able to provide an alternative method of dealing with persons charged with drug offenses in Multnomah County. The S.T.O.P. Program has been instrumental in moving persons into treatment in a timely manner. It serves as testimony to the criminal justice system's ability to work in a collaborative way at solving community problems.

The leadership provided by the Circuit Court in this effort is to be commended. Special recognition also needs to go to the Public Defender's Office, the InAct Program, the Multnomah County Department of Community Corrections and the staff people from these organizations who consistently work toward resolution of problems encountered during the first year and a half of the operation of the program. I am pleased that we were able to be a part of this effort and look forward to continuing with the S.T.O.P. Program in the months ahead.

Very truly yours,


MICHAEL D. SCHRUNK
District Attorney

MDS:jlb



CIRCUIT COURT OF OREGON
FOURTH JUDICIAL DISTRICT
MULTNOMAH COUNTY COURTHOUSE
1021 S.W. 4TH AVENUE
PORTLAND, OREGON 97204

HARL H. HAAS
JUDGE

COURTROOM 512
Tel [503] 248-3052

March 11, 1993

To Whom It May Concern,

As we completed our eighteenth month of S.T.O.P., I recalled my visits to Dade County, Florida, other jurisdictions and the National Judicial College to see what improvements could be made to improve our handling of drug cases and successfully get people into treatment in a more timely fashion.

In taking the Court's concept paper for S.T.O.P. to the District Attorney Mike Schrunk and Public Defender Jim Hennings, I knew the Court was asking them to take some risks and be one hundred percent behind the program. Once again they did not disappoint us. (See acknowledgement).

It is important to note that S.T.O.P. is not only a drug intervention program, but a case management program as well. It has commendably saved taxpayer's dollars and a huge amount of Court time. It simply works and with the addition of an employment program this year and a literacy program next year, we will have addressed the needs of the offenders and the taxpayers, as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Harl H. Haas".

HARL H. HAAS,
Circuit Court Judge

HHH:jh



METROPOLITAN PUBLIC DEFENDER MULTNOMAH COUNTY SECTION

March 11, 1993

Re: Evaluation of the S.T.O.P. Early Drug Intervention Program

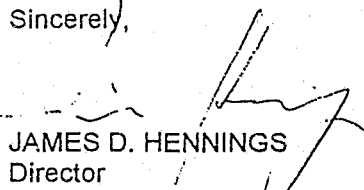
I am pleased to add these comments to evaluation of a Program which is innovative, effective, and cost efficient. The S.T.O.P. Program not only meets the criminal justice standards of safety to the community, fairness to individuals, and rehabilitation of defendants, but it actually does lead to rehabilitation and saves the system money.

Under the leadership of Judge Haas and with the full participation of Mike Schrunck, the District Attorney, and myself, this Program was conceived, designed, and implemented and is now showing our belief of its success.

All of us took risks in becoming involved in this Program, but all of us were committed to the belief that a fair and just system of drug diversion could be created that would result in real rehabilitation and save money to the system. As this report shows the money savings had been substantial. As a defense attorney I can assure you that the Program fully explores and protects the rights of individual defendants. The tougher issue, and one which this report just begins to develop, is the real rehabilitation of long-term drug addicts which results in increased safety to the community and decreased cost of drug-related crime. This report, and my own evaluation of individual cases, shows that the rehabilitation has been effective and has changed long-term drug addicts into responsible citizens. The proof of this can be seen in any of the status hearings which Judge Haas holds each month, but especially in the evening sessions held for those who are employed.

Our experience shows us that this methodology is effective but that we must continue to improve the operation of the drug diversion program and to do that we must continue to study the program to support what is working and change what is not. This Program can become a primary tool in combating drug addiction and resulting criminality.

Sincerely,


JAMES D. HENNINGS
Director
Metropolitan Public Defender

JDH:mm



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY CORRECTIONS
421 S.W. 5TH, SUITE 600
PORTLAND, OREGON 97204
(503) 248-3701
FAX (503) 248-5376

GLADYS McCOY
COUNTY CHAIR

March 17, 1993

Hon. Harl H. Haas
Circuit Court Judge
Multnomah County Courthouse
1021 SW 4th Avenue
Portland, OR 97204

Dear Judge Haas:

It has been a source of pleasure and pride for us to work closely with the Court, the District Attorney, the Public Defender, and InAct, Inc. to develop the S.T.O.P. program. The program has provided a cost effective intervention for substance abusers by making use of innovative approaches to treatment and case processing. We anticipate that the cooperative interagency planning and management that has been at the heart of the S.T.O.P. program from the beginning will serve as a model for future justice system initiatives.

Yours truly,

M. Tamara Holden, Director
Department of Community Corrections

S. T. O. P

SANCTION - TREATMENT - OPPORTUNITY - PROGRESS

MULTNOMAH CIRCUIT COURT DRUG PROGRAM

Managed by the Circuit Court, District Attorney
and Public Defender Offices

In Multnomah County, Oregon, during the period of July through September of 1988, 76 percent of all males arrested tested positive for drug use. During the same months in 1989 and 1990, 71 percent and 64 percent tested positive. The Circuit Court Judges of this county estimate that up to 85 to 90 percent of all criminal defendants are involved in drug use to some extent. Judges also feel that drug use is a major factor in a defendant's involvement in the criminal justice system on other charges.

Prior to implementation of the S.T.O.P. Program, most defendants were not being ordered to drug treatment until after adjudication of the criminal charges. This usually occurred some four to five months after the arrest. Many defendants reoffended by continuing drug use and by committing new property crimes to support their habits while waiting for adjudication of their criminal charges. This created new criminal victims and an increasingly more difficult drug habit to treat.

There were often no programs available for the sentenced defendant. This created a further delay in getting the defendant into treatment.

It was apparent to the Circuit Court that drug interdiction was not effective as drugs moved freely into the community as never before, all of this while the federal anti drug budget rose to almost twelve billion in fiscal year 1992. Regrettably, two-thirds of these funds were dedicated to enforcement, an effort which has had little effect upon drug use in the United States. It has been acknowledged by experts throughout the country that the demand side (users) provide a much better target for our limited resources. It is time for early intervention and treatment of our chemically dependant defendants.

This was the situation in Portland, Oregon, when Circuit Court Judge Harl Haas, with the substantial cooperation and assistance of District Attorney Mike Schrunk, Public Defender Jim Hennings, Multnomah County Community Corrections, Portland Police Bureau Chief Tom Potter, the City Council of Portland and Governor Barbara Roberts, implemented the S.T.O.P. program. This innovative program not only provides early intervention, but at the same time provides substantial savings in dollars for the city, county and state government.

PROGRAM DESCRIPTION

S.T.O.P. is a court-managed drug intervention program designed to provide early opportunity for treatment and a cost effective alternative to traditional criminal case processing. The criteria for program participation was established cooperatively by the Circuit Court, Public Defender and the District Attorney with the District Attorney having the final veto over entry criteria.

Eligibility:

The criteria for participation in S.T.O.P.:

1. Person is charged with PCS I or PCS II and is in possession of a small amount of a drug consistent with personal use;
2. Defendant has not participated in the S.T.O.P. Program before and is not currently participating in the S.T.O.P. Program;
3. There is no evidence of significant and substantial drug dealing;
4. The State is not seeking a dispositional departure from the presumptive sentence and there are no circumstances indicating to the District Attorney's Office that the defendant will be unable to succeed in the S.T.O.P. Program. **Criminal history is basically irrelevant!**
5. The defendant has no holds from other jurisdictions (defendant may petition the court if the hold is later resolved) and is otherwise eligible for security release and, therefore, is available for treatment.
6. There is no verifiable evidence of gang association or affiliation within one year of defendant's arrest;
7. There are no other felony crimes or any Class A person misdemeanors pending or charged in the same charging instrument other than traffic offenses or other counts or charges of PCS I or PCS II;
8. The defendant is not charged with DUII in the same charging instrument.
9. The defendant is not on probation or parole.

Paragraph 7 and 8 are for the purpose of cleaning up other outstanding charges as quickly as possible.

Paragraph 9 was put into effect this past fall. It was instituted only because the number of defendants would overwhelm the treatment provider and lower the quality of service to its clients. The grant for year three will include funds to open the program to probationers and parolees. Many times these defendants are in more need of treatment and are more likely to succeed than others in the program. These defendants are also likely to be in casebank with little supervision or treatment. They, therefore, present a large risk of revocation and a six month sentence to state prisons - impacting state corrections bed space.

This Court is not aware of any other program in the country that has the criteria of S.T.O.P. The model simply says "If drug use is the problem, drug treatment is the answer." Therefore, the number of prior felony or misdemeanor convictions are basically irrelevant to the defendant's qualifications to enter this program. A defendant who is arrested on a POSSESSION OF CONTROLLED SUBSTANCE, Schedule I or II and does not have any gang affiliations or other criteria mentioned above qualifies. This program is a bold and innovative attempt of the District Attorney, the Circuit Court and the Public Defender to insure that the drug dependant defendant has every reasonable opportunity to deal with addiction.

PROGRAM OPERATION

The activities involved in processing a typical defendant from arrest through S.T.O.P. are:

Day 1 following arrest. Arraignment - At arraignment the defendant is advised of his or her rights to a speedy trial, court appointed attorney, etc., as well as the opportunity to apply for the S.T.O.P. Program. If the defendant is interested in S.T.O.P., he/she will be referred to the Public Defender for day 2.

Day 2 - The defendant confers with defense counsel and is advised of his/her rights and of the opportunity to enter the S.T.O.P. Program.

Day 3 - The 8:30am S.T.O.P. Hearing - The defendant is advised of the right to a speedy public jury trial, the right to have an attorney present and the other constitutional and statutory rights attaching to his or her case.

At the 8:30am hearing, the potential program participant learns that if they enter the program by signing the petition waiving their grand jury and speedy trial rights, they will have an additional fourteen days to withdraw from the program. The reason for this is that police reports and discovery matters are not available this quickly to the public defender's office. This provides a fourteen day window to preclude possible post conviction relief requests by these defendants.

Potential program participants are advised that if they fail the program, there will be a trial to the Court based solely upon the police report. This stipulated fact trial will take about two minutes and represent a considerable saving to the District Attorney, the Court, the Public Defender and the taxpayer. The Court in the past eighteen months has held 187 stipulated fact trials and sentencings. Stipulated fact trials are scheduled at the time of the status hearings so the consequences of failure to complete the S.T.O.P. Program can be appreciated by other participants observing the proceedings. The defendants are told that the S.T.O.P. Program will run for a period of twelve months and that treatment will commence that day. They are advised that if they fall out of compliance with treatment at any time or are on bench warrant status, that period of noncompliance will be added to the duration of the program. The defendant is advised that he/she will be seen by the Court every thirty days and that the treatment provider will give a report on his progress to the Court prior to the status hearing.

Potential S.T.O.P. participants are represented by the Public Defender at the intake hearings. Defendants who have failed to make court appearances or fallen from treatment and are in custody are also in attendance. Those who are out of compliance are brought into the courtroom on a chain and are seated in the jury box. These defendants will have been in custody from two to eight days before they get their hearing to either have the stipulated fact trial or get back into treatment. These defendants are a prime example to the new arrestees of the consequences of missing court appearances or treatment appearances.

Status Hearings - Status hearings are held almost daily. Each defendant will appear every thirty days. A report of each defendant's progress is prepared by the treatment provider and given to the judge prior to the hearings. The judge is notified of clean or dirty urinalysis tests, attendance at counseling, acupuncture and educational classes. Any special circumstances concerning the defendant are

included in the judge's progress report. The Court may increase the frequency of urinalysis testing, order increased attendance or participation in a residential program such as the Forest Work Camp as a requirement to stay in the program. Terminating the defendant from S.T.O.P., of course, is the final option.

Night hearings are held two nights a month for S.T.O.P. clients who are at jobs during the daytime hearings. As we move into year three with a new employment component, the need for night court is expected to increase.

TREATMENT

Treatment starts the day of the first court hearing. It consists of a program of drug education, group counselling, acupuncture and random urinalysis. There are four phases in the program. During the first three weeks, the defendant treats six times a week receiving drug education classes, acupuncture and urinalysis testing. The following four and one half months, the defendant participates in random urinalysis and goes to acupuncture and group counselling three times a week. The program for the last six months is tailored to the participants needs.

In an effort to maintain quality control, a new requirement was added recently. At the tenth month, the defendant is brought in for an evaluation of overall progress. If the defendant is in the graduation category, they must have bi-weekly urinalysis testing and attend Narcotics Anonymous/Alcoholics Anonymous sessions five time per week for the last two months. This insures that only clean defendants will graduate and that they will have aftercare in place upon graduation.

These phases of the program continue to change with the understanding and knowledge gained about addiction and treatment. During the first year of the program, substantial problems surfaced in acquiring information from the treatment provider. This led to status hearings of limited value. A new treatment

provider, InAct, bid successfully to provide treatment for year two and the difficulties surrounding timely and accurate reports to the Court has been overcome. Anyone considering a program of this nature must make it very clear to the treatment provider that no reports means no program.

PROGRAM MANAGEMENT

It is the mission of the S.T.O.P. Program to keep a drug using defendant in the treatment program over a period of one year. The S.T.O.P. program imposes an assortment of obligations upon the defendant based upon his/her own particular needs. Some of the conditions that may be imposed are community service, a fee, urinalysis, treatment, acupuncture, GED requirement, job training and the obligation to seek and maintain gainful employment, among others.

Defendants who enter S.T.O.P. are prohibited from associating with drug users or drug possessors. If they have a spouse or roommate who is using, they are encouraged to convince that user to enter the program. (There is no additional charge for the spouse.) Another prohibition is that the defendant may not work with any public agency which deals with criminal activity or drug treatment without an express order approving such activities by the Court. These two provisions are a recognition that one of the most positive steps an offender can take is to step away from the environment or people where drug use is common.

TERMINATION

A defendant who successfully completes S.T.O.P. will have his criminal indictment dismissed with prejudice. Graduation ceremonies are held at status hearings in the presence of newer S.T.O.P. defendants.

S.T.O.P. was not implemented simply to provide drug treatment. While the rewards for providing treatment are rewarding and humane, the overall benefits produced by the management of this docket are very compelling. The speed of

the trial and the savings in indigent defense costs, district attorney time and court time, result in an inexpensive trial of those who fail the program with savings to the county community corrections department and the police agencies.

This program is an excellent example of what cooperation between criminal justice agencies can achieve in bringing a swift, fair justice system that results in the most cost effective adjudication of wrongdoers at the least expense to the taxpayers.

DECLINES AND BENCH WARRANTS

The Court was initially concerned over the number of people who declined the program. It became apparent, however, that people who are not ready for nor desirous of drug treatment have little chance of completing the S.T.O.P. program.

The number of bench warrants, were also disturbing to the Court. Soon, however, the Court realized that these warrants merely represented a phase of recovery that many defendants should be expected to go through. After a few days of jail, most, if not all, are ready to resume their treatment. Those that are not ready to resume treatment receive the quick, inexpensive, stipulated fact trial.

GRADUATION

Graduation comes after twelve successful months of treatment. Success is a relative term when dealing with addiction. It certainly does not mean that a participant has tested clean on his or her urinalysis each and every month in S.T.O.P. It means there is progress of a substantial nature that has positively changed the defendant's life. The Court fully appreciates that relapses are part of recovery. However, a defendant must be clean and in full attendance the last two months of his program in order to graduate. Graduates are presented with a diploma at regular status hearings so that others can see that there is light at the

end of the tunnel. These graduation events have been uplifting and gratifying for everyone in attendance.

EXPECTED OUTCOMES

There are many advantages of S.T.O.P. over the traditional prosecution and trial of addicted defendants.

First: The chemically dependant defendant in this program enters treatment four to six months earlier than under the traditional trial calendar disposition. This is a substantial benefit to the user because treatment will start three days after the arrest. It provides the strong likelihood of a reduction in property crimes committed by these individuals while waiting for their trial. The immediacy of treatment also improves the likelihood of successfully completing a treatment program.

Second: The cost of indigent defense has been a problem for the legislature and courts for years. It is a problem that promises to take even more funds, funds that are much needed for treatment programs. Indigent defendants are constitutionally entitled to a lawyer. It is important that new ways to deliver the constitutionally mandated representation in a quality manner are discovered. A system streamlined to reduce waste, and conserve time, effort and funds must be found.

The program provides so many incentives for the defendant that the initial estimate of those who would go into the program was six hundred people. Under normal procedure an attorney would be appointed for each. At the contract price of \$369 for each defendant and with 944 cases diverted at one third of the usual fee, the State would realize a savings of \$232,244 in indigent defense cost.

The Public Defender appointed at the outset of the cases handles all status and show cause hearings at no additional cost.

Third: The City of Portland enjoys a substantial savings in police overtime on cases entering the S.T.O.P. Program. The savings occur as a result of the defendant's waiver of indictment by a Grand Jury and the defendant's agreement to a stipulated fact trial based upon the police report alone. Testimony by officers at grand jury and trial is not necessary. The total police overtime savings during the period August 1991 - January 1993 \$139,236.

Fourth: Participation of six hundred defendants in the S.T.O.P. Program has reduced costs of the Multnomah County Probation Department.

S.T.O.P. cases are not supervised by probation officers. The cases are supervised through the treatment program and the Court itself. If any defendant is not in compliance with treatment, that information is immediately submitted to the S.T.O.P. Court. The Court then cites or issues an arrest warrant for the defendant's immediate appearance in court. This resulted in a savings of approximately six full time probation officers at a cost in excess of \$240,000.

Fifth: The Court imposes a S.T.O.P. fee of \$300 for each defendant. However, addicted defendants have many problems and a large percent are simply unable to pay. About sixty of the current S.T.O.P. participants are HIV positive defendants and another sizeable percentage of defendants are in mental health treatment as well as S.T.O.P. Chronic unemployment is the norm rather than the exception.

During the first year of the program there were no graduates and collections were pretty minimal. But during the last six months, collections have increased as people are graduating people and the need and desire to pay the fee has increased. As of March 1, 1993 we have \$40,633 in the trust fund. These funds are being saved so that when the federal/state grant expires at the end of year four, there will be a substantial amount of money in the bank to help the county to keep S.T.O.P. operative.

Sixth: S.T.O.P. defendants receive more intensive treatment, urinalysis, and acupuncture than in the normal case. The S.T.O.P. defendants have far more Court contact and direct supervision than in the usual drug case today. Each defendant appears in Court at least once a month so the Court may monitor progress and hold hearings regarding noncompliance.

The concentration of treatment and Court supervision is a substantial improvement from the past practice. This program is the first step toward the day when there will be treatment on demand. It is an acknowledgment that the criminal justice system should treat drug use as a disease, albeit one with criminal justice consequences. In Oregon today, sentencing guidelines offer little more than a slap on the wrist for drug users. S.T.O.P. is an effort to deal with the drug addiction first and the criminal justice consequences second. This program offers a defendant who seriously wants to stop using a real opportunity for treatment and, if successful, a dismissal of the charge.

Seventh: Judicial Specialization. The Court has tried hundreds of drug cases and three years ago instituted the Circuit Court's fast track drug trial docket. The Court attended a special federal conference at the National Judicial College and spent a week with the Dade County, Florida, Drug Program. Future judges who serve in the S.T.O.P. Court will have had extensive exposure to defendants charged with drug offenses, as well as training regarding treatment and court monitoring of drug users.

Eighth: Sharing information and implementation of S.T.O.P. elsewhere. The S.T.O.P. Court continues to seek program improvement by the sharing of information with successful programs throughout the nation. The Court was a speaker at the Arkansas and Alabama Judicial Conferences in July and August of 1992. After visiting S.T.O.P., Mobile, Alabama, started a program and the Arkansas Judicial Department has advised that a judge will be visiting Portland in March of 1993 and that their grant to implement such a program has been

approved. We have been visited by Clark County, Nevada, and that program is operational. We have met with judges from San Francisco and other jurisdictions which have expressed an interest in S.T.O.P.

The Circuit Court is planning a national conference in August of 1993 and hopes to obtain the assistance of the National District Attorney's Association and others. This conference would focus on program operations with on site visits to the treatment center, the Courts, visits with defendants, graduates, non-graduates. Full access to all S.T.O.P. information would be provided.

Ninth: Through the specialization of the S.T.O.P. Program, the Judicial Department, District Attorney, Public Defender and program providers have the opportunity to develop information on drug use in our community. Our contacts with the defendant are much less adverse and more in the mode of a "hand-up". Through that relationship, we intend to acquire information which, together with that generated by schools, state, county, city and public agencies, will assist in development of a public information program against drug usage. We hope to utilize the knowledge that we obtain about drug use in our community and possibly involve the successful and the unsuccessful S.T.O.P. participants in the public information program.

The Portland S.T.O.P. Program along with the Miami program were featured on ABC's "American Agenda" of this year. "Northwest Reports", Channel 12's TV news magazine, is airing a program on S.T.O.P. in March of this year. We are in contact with American University to assist in the effort to implement this or similar programs around the country.

Tenth: This program recognizes the difficulty the user has in keeping a commitment. S.T.O.P. addresses this by having the urinalysis, acupuncture and treatment in one physical location. Many times today, services are located in several locations which basically programs a defendant for failure.

ADVANTAGES TO THE DEFENDANT

One: The defendant is afforded treatment three days following the arrest as opposed to the old program of treatment being ordered four months and three days following arrest.

Two: Defendant will pay the fee of \$300. The defendant who refuses S.T.O.P. and is convicted will be facing a possible probation for eighteen months with a fine, victims assessment fee, imposition of court appointed attorney fees, Forest Work Camp, community service, jail and drug programs. A defendant sentenced to the penitentiary is faced with a possible sentence of six months plus a fine, victims assessment and court appointed attorney fees. Overall, the individual choosing S.T.O.P. will be under the supervision of the criminal justice system for a period of twelve months and three days. In order to graduate, a defendant must have clean ua's and good attendance. Not only is treatment provided sooner and the period of time on supervision shorter, the S. T.O.P. Program is also cheaper to the defendant than the regular trial program.

At the conclusion of the program, the S.T.O.P. defendant's case is dismissed with prejudice. The defendant choosing the trial program, at the conclusion of his eighteen months probation, is almost always left with a felony criminal conviction on his record.

PHILOSOPHY OF S. T. O. P.

Our approach is to give the defendant every reasonable chance to make it. Drug addiction is a far more difficult physical and mental health problem than the general public appreciates. Success in a drug treatment program is purely subjective and we need to be more realistic in our expectations. Without a doubt, relapse is a part of recovery and people dealing with addicted defendants need to appreciate that. Any evaluation of drug programs must be undertaken with the understanding that most of these defendants are the most needy and difficult

clients of our criminal justice system. They are chronically unemployed, many suffer from mental disease, many suffer from AIDS, many are seriously under-educated and many have long term addiction problems.

We have had major successes by people in S.T.O.P. and we have had people who did not succeed though they exerted great effort. It is just that tough. But even those who did not succeed to graduation encountered a system that focused on their needs and gave them an opportunity to learn what a drug free life felt like if even for a few months, weeks or days. Many of these folks have acquired, through S.T.O.P., the knowledge and the tools that will help them make it when their time of commitment comes.

CONCLUSION

There are a lot of unique aspects to the S.T.O.P. Program. It provides innovative treatment with the addition of acupuncture. It is unique in that it does not decline anyone because of their criminal history. It is different and unique because of the hands-on responsibility of the trial judge. It is further unique because it requires and receives the full cooperation of the Public Defender, the Circuit Court, the District Attorney, the private, non-profit treatment provider, the state of Oregon, Multnomah County Corrections, the Portland City Council, the Portland Chief of Police, the federal government and the Governor.

We feel that we are just beginning this process. We know that within two years, we will have a literacy component attached to the treatment program and we hope to add an employment component by July of 1993. This program is also unique because it takes dollars which would otherwise be spent on criminal case processing and commits them to a treatment program that directly affects people suffering from drug addiction. This is a program that has the tolerance and patience that give an addicted defendant a real chance.

This battle is just beginning. In order to make progress against drug use in this country, we have to stop squandering precious tax dollars and become more innovative and willing to cooperate with each other.

15 of 15

- *** Appendix 1 - Case Disposition
- **** Appendix 2 - Funding of S.T.O.P.
- ***** Appendix 3 - Profiles of S.T.O.P. Management

For Information of S.T.O.P. Contact:

S.T.O.P. Court
Circuit Judge Harl Haas
Multnomah County Courthouse
1021 SW 4th Avenue, Room 512
Portland, OR 97204

APPENDIX I

S. T. O. P. S T A T S

AUGUST 1991 -- JANUARY 1993

Total Cases Diverted	944	
Stipulated Fact Trials	187	19.8%
Dismissed	11	1.2%
Withdrawals	15	1.6%
* Active Cases and Graduated	746	78 %

* The term active cases includes people in bench warrant status.

28.4 % of our graduates and 55.2 % of overall S.T.O.P. defendants get a bench warrant during their S.T.O.P. program. Bench warrants merely indicate the defendant missed a court appearance or has suffered a relapse in treatment. The vast majority of these defendants return to Court and then to treatment. The Court treats these events merely as a relapse which are not normally sufficient reason to terminate the defendant. The defendant arrested on the bench warrant spends from two to eight days in jail before returning to the Court and treatment.

It must be remembered stipulated fact trials may occur any time after the first day in S.T.O.P. Graduations cannot occur until a year from the first day in S.T.O.P. Therefore, a comparison of cases resolved by a stipulated fact trial to those where the defendant graduates does not provide any helpful comparison. It would be much like comparing defendants who rejected drug treatment and S.T.O.P. to the defendant who entered S.T.O.P., treated and graduated.

* Withdrawals are not counted in total cases diverted.

* There are 228 people in warrant status and 440 people are presently in active treatment.

M I C H A E L S C H R U N K

Michael D. Schrunk has been the elected District Attorney in Multnomah County, Oregon, since 1981. Multnomah County encompasses the largest metropolitan area in the State of Oregon and has a population of 600,000. The Multnomah County District Attorney's Office has 180 staff members, including 75 attorneys. Approximately 25,000 cases are reviewed annually, and 7,000 felonies and 10,000 misdemeanor cases are issued each year. Mr. Schrunk is a graduate of the University of Oregon Law School. He has extensive experience in prosecution of criminal cases and, while in private practice, represented plaintiffs and defendants in civil litigation and defended criminal cases. He served as a Captain in the U.S. Marine Corps in Vietnam; is past president of Multnomah County Bar Association and the Oregon District Attorney's Association. Mr. Schrunk currently chairs the Regional Organized Crime Narcotics Task Force and he is past chair of the Regional Drug Initiative Task Force. Mr. Schrunk also sits on the Oregon Criminal Justice Council, has served as a lecturer for the National College of District Attorneys and the Drug Enforcement Administration, and has provided articles and reviews for the Bureau of Justice Assistance and the National Institute of Justice.

J U D G E H A R L H A A S

Judge Harl Haas first entered public service as a State Representative in 1969. He was elected as his party's leader in the Oregon House in 1971. He served in the State Senate 1971-1972. During that time, he served on the Criminal Laws Revision Commission which did a complete revision of Oregon's Criminal Code. He was elected District Attorney for Multnomah County and served 1973 to 1981. In that capacity, he instituted Oregon's first rape victim assistance unit, a career criminal prosecution unit, a no plea bargaining unit and a department to assist victims of crimes and obtain restitution for them. He served as president of Oregon's District Attorney Assoc. and treasurer and vice-president of the National District Attorney Association and received NDAA Prosecutor of the Year Award in 1980. Judge Haas was elected to the bench in 1984 and reelected in 1991. Judge Haas started the Circuit Court's fast track drug docket approximately three years ago. He serves on the Judicial Department Legislative and Budget Committees. He presently is vice-president of the Circuit Judges Association.

JAMES HENNINGS

James (Jim) Hennings is the Founder and Executive Director of Metropolitan Public Defender, a 50 attorney private nonprofit law firm providing services in Multnomah and Washington County, Oregon. He was raised near Boston, Mass., received his undergraduate degree in government from Lake Forest College (Illinois) in 1965, his law degree from Willamette University (Salem, Oregon) in 1968 and attended Northwestern University Law School (Chicago) on a Ford Foundation Prosecution/Defense Fellowship in 1968-1969. He was Deputy District Attorney in Multnomah County from 1969-1971 prior to becoming Public Defender. Jim has been involved in teaching (Community College and Law School), Public Defender Evaluations, and numerous committees to improve the Criminal Justice System.